THE ROAD TO LIBERTY

THE DECLARATION OF INDEPENDENCE

THE CONSTITUTION OF NEW JERSEY

THE CONSTITUTION OF THE UNITED STATES

AN AMERICAN ADVENTURE IN TEN DREAMS

THE ROAD TO LIBERTY

This book is presented

to

Walter Smith

By the Board of Education of the
School District of

Keyport

Upon completion of Grade Eight-A
in the Public Schools

_____ Principal

Grammar School

W. C. Bilderback Superintendent

Date June 14, 1929

THE LIBERTY BELL'S FIRST NOTE—1753

© J. L. G. Ferris

THE ROAD TO LIBERTY

THE DECLARATION OF INDEPENDENCE
THE CONSTITUTION OF THE U. S.
THE CONSTITUTION OF NEW JERSEY
HISTORY OF THE FLAG
AND
THE ROAD TO LIBERTY
AND HOW ZACH PETERS FOUND IT
An American Adventure in Ten Dreams

BY
HERMANN HAGEDORN

ILLUSTRATED BY
FRANK GODWIN
AND
J. L. G. FERRIS

THE JOHN C. WINSTON COMPANY
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ATLANTA SAN FRANCISCO DALLAS

N. J.

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Road to Liberty

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PART I

THE DECLARATION OF INDEPENDENCE

THE DECLARATION OF INDEPENDENCE

IN CONGRESS JULY 4, 1776

The Unanimous Declaration of the Thirteen United States of America

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for

their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our loss; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging war against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow-Citizens taken captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus Marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which

INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, We mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

SIGNERS OF THE DECLARATION OF INDEPENDENCE

NAME	Colony	Occupation	Born	Birthplace	Died	Age
Adams, John	Mass.	Lawyer	1735	Braintree, Mass	1826	92
Adams, Samuel	Mass.	Merchant	1722	Boston, Mass	1803	81
Bartlett, Josiah	N. H.	Physician	1729	Amesbury, Mass	1795	67
Braxton, Carter	Va.	Planter	1736	Newington, Va	1797	62
Carroll, Charles	Md.	Lawyer	1737	Annapolis, Md	1832	96
Chase, Samuel	Md.	Lawyer	1741	Somerset Co., Md	1811	71
Clark, Abraham	N. J.	Lawyer	1726	Elizabethtown, N. J	1794	69
Clymer, George	Pa.	Merchant	1739	Philadelphia, Pa	1813	75
Ellery, William	R. I.	Lawyer	1727	Newport, R. I	1820	93
Floyd, William	N. Y.	Farmer	1734	Setauket, N. Y	1821	87
Franklin, Benjamin	Pa.	Printer	1706	Boston, Mass	1790	85
Gerry, Elbridge	Mass.	Merchant	1744	Marblehead, Mass	1814	71
Gwinnett, Button	Ga.	Merchant	1732	England	1777	45
Hancock, John	Mass.	Merchant	1737	Braintree, Mass	1793	57
Hall, Lyman	Ga.	Physician	1731	Connecticut	1784	53
Harrison, Benjamin	Va.	Farmer	1740	Berkeley, Va	1791	51
Hart, John	N. J.	Farmer	1715	Hopewell, N. J	1780	65
Hewes, Joseph	N. C.	Lawyer	1730	Kingston, N. J	1779	49
Heyward, Thomas, Jr.	S. C.	Lawyer	1746	St. Luke's, S. C	1809	63
Hooper, William	N. C.	Lawyer	1742	Boston, Mass	1790	49
Hopkins, Stephen	R. I.	Farmer	1707	Scituate, Mass	1785	79
Hopkinson, Francis	N. J.	Lawyer	1737	Philadelphia, Pa	1791	54
Huntington, Samuel	Conn.	Lawyer	1732	Windham, Conn	1796	64
Jefferson, Thomas	Va.	Lawyer	1743	Shadwell, Va	1826	83
Lee, Richard Henry	Va.	Soldier	1732	Stratford, Va	1794	63
Lee, Francis Lightfoot	Va.	Farmer	1734	Stratford, Va	1797	63
Lewis, Francis	N. Y.	Merchant	1713	Llandaff, Wales	1803	91
Livingston, Philip	N. Y.	Merchant	1716	Albany, N. Y	1778	63
Lynch, Thomas, Jr.	S. C.	Lawyer	1749	Prince George's Co., S. C.	1779	30
McKean, Thomas	Del.	Lawyer	1734	New London, Pa	1817	84
Middleton, Arthur	S. C.	Lawyer	1743	Middleton Pl., S. C	1788	44
Morris, Lewis	N. Y.	Farmer	1726	Morrisania, N. Y	1798	72
Morris, Robert	Pa.	Merchant	1734	Lancashire, England	1806	73
Morton, John	Pa.	Surveyor	1724	Ridley, Pa	1777	53
Nelson, Thomas, Jr.	Va.	Statesman	1738	York, Va	1789	51
Paca, William	Md.	Lawyer	1740	Wye Hall, Md	1799	59
Paine, Robert Treat	Mass.	Lawyer	1731	Boston, Mass	1814	84
Penn, John	N. C.	Lawyer	1741	Caroline Co., Va	1788	48
Read, George	Del.	Lawyer	1734	Cecil Co., Md	1798	64
Rodney, Cæsar	Del.	General	1730	Dover, Del	1783	53
Ross, George	Pa.	Lawyer	1730	New Castle, Del	1779	49
Rush, Benjamin	Pa.	Physician	1745	Berberry, Pa	1813	68
Rutledge, Edward	S. C.	Lawyer	1749	Charleston, S. C	1800	51
Sherman, Roger	Conn.	Shoemaker	1721	Newton, Mass	1793	73
Smith, James	Pa.	Lawyer	1710	Ireland	1806	96
Stockton, Richard	N. J.	Lawyer	1730	Princeton, N. J	1781	51
Stone, Thomas	Md.	Lawyer	1742	Pointoin Manor, Md	1787	45
Taylor, George	Pa.	Physician	1716	Ireland	1781	65
Thornton, Matthew	N. H.	Physician	1714	Ireland	1803	89
Walton, George	Ga.	Lawyer	1740	Frederick Co., Va	1804	64
Whipple, William	Conn.	Sailor	1730	Kittery, Me	1785	55
Williams, William	Conn.	Statesman	1731	Lebanon, Conn	1811	81
Wilson, James	Pa.	Lawyer	1742	St. Andrews, Scotland	1798	56
Witherspoon, John	N. J.	Minister	1722	Yester, Scotland	1794	73
Wolcott, Oliver	Conn.	Physician	1726	Windsor, Conn	1797	72
Wythe, George	Va.	Lawyer	1726	Elizabeth Co., Va	1806	80

THE CONSTITUTION OF THE UNITED STATES

We hold these truths to be self-evident,—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are Life, Liberty, and the pursuit of happiness.

THOMAS JEFFERSON—*Declaration of Independence of the United States of America.*

THE CONSTITUTION OF THE UNITED STATES

Preamble.—We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I

Legislative Powers.—SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

House of Representatives.—SECTION II. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Qualifications of Representatives.—2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of Representatives.—3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey,

4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.*

Vacancies, How Filled.—4. When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

Officers, How Appointed.—5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Senate.—SECTION III. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.†

Classification of Senators.—2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Qualifications of Senators.—3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

President of the Senate.—4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Senate a Court for Trial of Impeachments.—6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When

* See Article XIV, Amendments.
† See Article XVII, Amendments.

the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in Case of Conviction.—7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Elections of Senators and Representatives.—SECTION IV. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

Meeting of Congress.—2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Organization of Congress.—SECTION V. 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Rule of Proceedings.—2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

Journals of Each House.—3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment of Congress.—4. Neither House, during the session of Congress, shall, without the consent of the other,

adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Pay and Privileges of Members.—SECTION VI. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Other Offices Prohibited.—2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Revenue Bills.—SECTION VII. 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

How Bills Become Laws.—2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same

shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

Approval and Veto Powers of the President.—3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers Vested in Congress.—SECTION VIII. 1. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dry docks, and other needful buildings.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Immigrants, How Admitted.—SECTION IX. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas Corpus.—2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Attainder.—3. No bill of attainder or ex post facto law shall be passed.

Direct Taxes.—4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Regulations Regarding Customs Duties.—5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Moneys, How Drawn.—7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles of Nobility Prohibited.—8. No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Powers of States Defined.—SECTION X. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State, shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

Executive Power, in Whom Vested.—SECTION I. 1. The Executive power shall be vested in a President of the United

States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Electors.—2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Proceedings of Electors.—Proceedings of the House of Representatives.—3. The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum, for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

Time of Choosing Electors.—4. The Congress may determine

*This clause is superseded by Article XII, Amendments.

the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Qualifications of the President.—5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

Provision in Case of His Disability.—6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Salary of the President.—7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath of the President.—8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Duties of the President.—SECTION II. 1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves

and pardons for offences against the United States except in cases of impeachment.

May Make Treaties, Appoint Ambassadors, Judges, etc.—2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

May Fill Vacancies.—3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.

May Make Recommendations to and Convene Congress.—SECTION III. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

How Officers May Be Removed.—SECTION IV. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Judicial Power, How Vested.—SECTION I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain

and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

To What Cases it Extends.—SECTION II. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Jurisdiction of the Supreme Court.—2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Rules Respecting Trials.—3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Treason Defined.—SECTION III. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

How Punished.—2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work

corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV

Rights of States and Records.—SECTION I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Privileges of Citizens.—SECTION II. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Executive Requisitions.—2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Laws Regulating Service or Labor.—3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

New States, How Formed and Admitted.—SECTION III. 1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Power of Congress over Public Lands.—2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Republican Government Guaranteed.—SECTION IV. The United States shall guarantee to every State in this Union a

republican form of government and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V

Constitution, How Amended.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

Validity of Debts Recognized.—1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

Supreme Law of the Land Defined.—2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Oath: of Whom Required and for What.—3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be

bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

Ratification of the Constitution.—The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names

Go: WASHINGTON,
Presidt. and Deputy from Virginia.

AMENDMENTS TO THE CONSTITUTION

Articles in addition to, and Amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the Fifth Article of the original Constitution.

ARTICLE I

Religion and Free Speech.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

Right to Bear Arms.—A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

Soldiers in Time of Peace.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV

Right of Search.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

Capital Crimes and Arrest Therefor.—No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

Right to Speedy Trial.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII

Trial by Jury.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII

Excessive Bail.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

Enumeration of Rights.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

Reserved Rights of States.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

Judicial Power.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII

Electors in Presidential Elections.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of

electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

Slavery Prohibited.—1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Protection for all Citizens.—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.—2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Rebellion Against the United States.—3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

The Public Debt.—4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

ARTICLE XV

Right of Suffrage.—1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

2. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

ARTICLE XVI

Income Taxes.—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

ARTICLE XVII

Election of Senators.—The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies, provided that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

ARTICLE XVIII

Liquor Prohibition.—1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures

of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX

Woman Suffrage.—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

RATIFICATION OF THE AMENDMENTS

Articles I to X were declared in force in 1791; Article XI in 1798; Article XII in 1804; Article XIII was proclaimed in December, 1865; Article XIV was proclaimed in July, 1868; Article XV was proclaimed in 1870; Article XVI and Article XVII were proclaimed in 1913; Article XVIII was proclaimed in January, 1919, and took effect in 1920; Article XIX was proclaimed in 1920.

CONSTITUTION OF THE STATE OF NEW JERSEY

NJ

THE INDIAN KING AT HADDONFIELD

Within its walls the Colonial legislature gathered thrice and at the last session substituted the word "state" for the word "colony" in the documents of the new commonwealth.

CONSTITUTION OF THE STATE OF NEW JERSEY

History

A Constitution agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A.D. 1844, and amended at a special election held on the seventh day of September, A.D. 1875, and at another special election held on the twenty-eighth day of September, A.D. 1897, and at another special election held on the twentieth day of September, A.D. 1927.

The present Constitution of New Jersey was made by a convention which met in Trenton between May 14 and June 29 in 1844. It was ratified by the people at a special election held on August 13, 1844, and amended at other elections held on September 7, 1875, September 28, 1897, and September 20. 1927.

Preamble

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution:

The preamble of a constitution is an introduction. Notice that this preamble expresses the gratitude which the people feel for their liberties. It also tells you that the people hope that the liberties which they have won may be passed on to coming generations by means of the rules which they set down in the constitution.

ARTICLE I

RIGHTS AND PRIVILEGES

Natural Rights

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

Do you notice how similar this paragraph is to a part of the Declaration of Independence? Democratic government is based on the idea that all people have certain rights and that government should protect them in the enjoyment of those rights. Notice that the rights mentioned here are life, liberty, property, safety, and happiness. Of course a person must not interfere with the rights of others in trying to secure his own rights. He must learn team play.

Political Power

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

In early times many people held that political power belonged to a king or to nobles. Now we claim that the people should rule themselves. They have a right to make the kind of government which they feel will protect and benefit them. Of course, if they can make it, they can change it whenever they think a change is necessary.

Religious Freedom

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a

qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

These two sections give to every man freedom in his religion. They guarantee also that his religion shall not be considered if he is a candidate for a public office or in connection with any civil right. It would seem very strange to us now for our government to try to force people to go to a certain church. Thomas Jefferson was one of the great believers in religious liberty and he wrote this idea into the constitution of Virginia.

Freedom of Speech

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Freedom of speech is another right which people under autocratic governments never had. Every person has a right to criticize what a public official does provided he does not spread lies about the official. If you spread an untruth which another man feels is an injury to him he might sue you in the courts for what is called "libel." If you can prove that what you said is true you would be acquitted; but if it proves to be false you might be fined. Honest discussion makes for good government.

Personal Security

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

An officer of the law may not enter your house and search for anything unless a warrant is issued. A warrant is a paper

issued by a judge giving the officer the right to make the search. The judge must not issue the warrant unless he is reasonably sure, on someone's oath or affirmation, that you have something illegal in your house. Do you see how this protects you from unjust interference? How would you like to live in a country where a policeman could come in and search your house just because he thinks you have something illegal there?

Right of Trial by Jury

7. The right of a trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

The right of trial by jury has come to us through many centuries of English law. It means that the twelve men of a jury must all agree before a decision is given. Do you see how this protects you?

Rights of the Accused

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

If a man is charged with a crime the constitution gives him certain protection. He is entitled to a fair trial. He must know exactly what he is accused of doing and whatever the witnesses say must be said in the open. He has a right to have a lawyer defend him. If he is poor the judge will provide him

with a lawyer. All these rules protect him against an unfair charge.

A "grand jury" is a jury that sits in secret to hear the evidence that the officers of the law bring against accused people. If they think that there is some evidence against a man they so report and then the man is tried before a regular or "trial jury." If they think the evidence is slim, the accused man may be discharged without a trial. In very serious cases such as impeachment of a public officer or in time of war, the grand jury does not act.

Also in minor cases a man may be fined by a justice of the peace. For example, if a man drives his automobile recklessly, the justice of the peace may fine him at once.

Notice that if a man is acquitted he may not be tried again for the same offense. An accused man waiting for trial is allowed to leave the jail if he or his friends are willing to put up money as "bail" to guarantee that he will appear at the trial. Of course this does not apply to serious criminal offenses.

Habeas Corpus

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

Habeas corpus, a Latin phrase, means "you may have the body." Suppose you are charged with a crime, put in jail, and left there. Your lawyer may apply to a judge to issue an order to have you brought to court to see if there is any good reason to keep you in prison. This protects you from an unjust imprisonment. This privilege cannot be taken away except in time of rebellion or invasion.

Freedom from Military Power

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in a manner prescribed by law.

Military government is autocratic, so our forefathers saw that the government set up by the vote of the people must

have the final power. Even in time of war things must be done according to law in order that people may not be imposed on.

Treason

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Notice that this definition of treason against the state is the same as that of treason against the United States given in Article III, Section III, of the Constitution of the United States. A man may suggest changes in his government without being a traitor but if he actually makes war on the established government he has committed treason.

Freedom from Excessive Fines and Punishment

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

Here the citizen is protected against cruelty, unreasonable fines, and heavy bail. If you were arrested for a small offense and the judge fixed the bail at a high amount, do you see how much trouble that would cause you?

Payment for Private Property

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore, until the legislature shall direct compensation to be made.

If the state desires land and cannot agree with the owner on the price the land can be "condemned." This means that commissioners are appointed to value the land and give the owner a fair price. Before 1844 land could be taken for highways without payment. In 1850 the legislature passed a law to give adequate payment for such land.

Imprisonment for Debt

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

It was necessary to put this clause into the constitution because in former times many people were thrown into prison for debts, sometimes very small ones. Of course a person can be punished for trying to avoid paying a debt by dishonest methods.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances. **Right to Assemble and Petition**

This clause is like the one about freedom of speech. It protects people who wish to have peaceful meetings even though they may not agree with the government. If they do not use force people should have the right to discuss matters and to send petitions to their governing officers. This is one of the corner stones of democratic government.

19. No county, city, borough, town, township, or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation. **Use of Public Money**

20. No donation of land or appropriation of money shall be made by the state or any municipal corporation to or for the use of any society, association, or corporation whatever.

Public money should be spent for the good of the whole people. It should also be controlled by public officers. These two clauses prevent the state from aiding any private society whether its purpose is business or educational. It is a very good safeguard of the money of the people.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people. **Saving Clause**

This means that by stating these rights the people do not give up all other rights. Other rights may be recognized as just, even though not written in the constitution. Do you see that the makers of the constitution constantly had in mind protecting the people against oppression?

ARTICLE II

RIGHT OF SUFFRAGE

Suffrage

1. Right of Suffrage. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; and provided further, that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

In order to vote in New Jersey a person must be—

(*a*) a citizen of the United States;
(*b*) twenty-one years of age;
(*c*) a resident of the state for one year;
(*d*) a resident of the county in which he votes for five months.

Do you notice that this section restricts voting to *male* citizens? Look up the Nineteenth Amendment to the Constitution of the United States. This amendment gave women the right to vote and must be obeyed by the state even when its own constitution does not provide for woman suffrage. You see, therefore, how the states have given up some of their rights to the federal government.

Bribery

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.

Suppose a man pays a legislator to vote for a certain bill or a policeman to set him free when arrested. Such a payment is called a "bribe" and is so serious that a man may lose his vote because of it.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Departments of Government

1. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

Notice how this division of the duties of government into three departments follows the plan of the national government. Thus we have the legislative (law making), executive (law enforcing) and judicial (law interpreting) departments. The departments are not to interfere one with another. If each does its own work there will be no confusion and the government will run smoothly.

ARTICLE IV

LEGISLATIVE

SECTION I

The Legislature

1. The legislative power shall be vested in a senate and general assembly.

There are two branches in the legislature just as there are in Congress. Notice that one is called the senate and the other the general assembly.

Qualifications

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and been a citizen and inhabitant of the state for two years, and of the

county for which he shall be chosen for one year next before his election; provided, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

Members of the legislature must be legal voters. In addition to this they must have the following qualifications:

	Senate	General Assembly
Age	30	21
Citizen and inhabitant of state	4 years	2 years
Citizen and inhabitant of county	1 year	1 year

Elections

3. Members of the senate and general assembly shall be elected yearly and every year, on the first Tuesday after the first Monday in November; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

This clause fixes the annual election day and the date for the beginning of the legislature. Notice that the legislature has the power to change the date of election if it desires to do so.

SECTION II

The Senate

1. The senate shall be composed of one senator from each county in the state, selected by the legal voters of the counties, respectively, for three years.

One senator from each county makes a senate of 21 members. Senators are elected for three years.

How Classified

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one class may be elected every year; and if

vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

This clause was put in so that the seats of one third of the senators would be vacant each year. Thus, you see that during each new session at least two thirds of the members of the senate have had experience.

SECTION III

The General Assembly

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census and when made shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty.

Each county elects members to the general assembly according to its population. This apportionment has to be made over after each decade when the United States census is taken. At present the representation is as follows:

County		County	
Atlantic	2	Mercer	3
Bergen	4	Middlesex	3
Burlington	1	Monmouth	2
Camden	3	Morris	1
Cape May	1	Ocean	1
Cumberland	1	Passaic	5
Essex	12	Salem	1
Gloucester	1	Somerset	1
Hudson	11	Sussex	1
Hunterdon	1	Union	4
		Warren	1
Total			60

SECTION IV

Vacancies

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

This clause provides for the election of a member of the legislature to fill a vacancy.

Power to Decide Elections Quorum

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

If an election were disputed each house in the legislature has power to decide who has been legally elected. A majority is one more than half the number of members and this majority must be present to make a quorum and conduct business.

Officers and Rules

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, may expel a member.

Here, each house is given power to organize and discipline itself.

Records

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Any citizen can find out what goes on in the legislature by reading the official Journal. A member's vote on any question is recorded if one fifth of those present request. Thus his vote is a matter of permanent record.

Adjournments

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

This clause makes it impossible for one house to adjourn for an indefinite period and thus hold up public business.

Reading of Bills

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

You often hear that a bill has had its first reading, its second reading, or its third reading. This shows you how far along the bill has gone. Notice that in final passage the vote of every member is recorded. A majority of the entire membership must vote favorably on a bill before it can be considered passed. This means eleven votes in the senate and thirty-one in the assembly.

Salary

7. Members of the senate and general assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever. The president of the senate and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one third of their allowance as members.

The state does not pay high salaries to the members of the legislature. This is one way by which a citizen can serve his state. Men consider it an honor to be selected for such service.

Privileges of Members

8. Members of the senate and general assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from

the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Except for serious offenses members of the legislature are free from arrest. Likewise they are free to express their opinions in the legislature without fear. Notice how much is said in the constitution to protect the freedom of people to speak and work peacefully for what they think is right.

SECTION V

Appointment to Office

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint meeting, to any civil office under the authority of this state which shall have been created, or the emoluments whereof shall have been increased, during such time.

This is a wise clause because it makes it impossible for members of the legislature to secure positions for themselves or to raise the salary of a position for later advantage to themselves.

Vacation of Seat

2. If any member of the senate or general assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

A person could not give proper attention to work in both the national and state government, so this is a wise clause.

People Not Eligible to the Legislature

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state, shall be entitled to a seat either in the senate or in the general assembly; but, on being elected and taking his seat his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Here, again we note the intention of keeping people from holding executive or judicial offices or federal positions and at the same time being a member of the legislature. The legislature must be free to regulate the conditions under which the officials of the other departments work.

SECTION VI

Revenue Bills

1. Revenue bills originate in house of assembly. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

Just as in the national government revenue bills must start in the lower house. Of course, the senate may amend a revenue bill and ask the assembly to approve its amendments.

Protection to the State's Money

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

Paragraph (2) prevents anybody from getting money from the state unless the payment has been authorized by the legislature.

Paragraph (3) prevents the use of the state's credit for any private interest.

Creation of Debt

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state which shall, singly or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be

irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

Do you see how this section makes it necessary for the people to approve the expenditure of large sums of money? Bond issues for roads or bridges, for example must be voted by the people. It is wise also to provide that provisions for paying debts within thirty-five years must be made. Debts should be paid as promptly as possible.

Zoning Ordinance

5. The legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use, and the exercise of such authority shall be deemed to be within the police power of the state. Such laws shall be subject to repeal or alteration by the legislature.

This paragraph is an amendment approved by the people in September, 1927. Its purpose is to allow the legislature to make laws so that cities and other municipalities may make zoning districts. These districts are necessary so that an area may be restricted to residences without having factories and other undesirable buildings erected in that area.

SECTION VII

Divorce

1. No divorce shall be granted by the legislature.

This clause keeps the question of divorce in the hands of the courts. If the legislature could grant divorces the members would be subject to a great many bothersome pleas.

Lotteries

2. No lottery shall be authorized by the legislature or otherwise in this state, and no ticket in any lottery shall be bought or sold within this state, nor shall pool-selling, book-making, or gambling of any kind be authorized or allowed within this state, nor shall any gambling device, practice, or game of chance now prohibited by law be legalized, or the remedy, penalty, or punishment now provided therefor be in any way diminished.

This clause recognizes the evils of gambling. People should wish to earn the money which they receive. There is not much satisfaction in trying to get something for nothing.

Protection of the Courts

3. The legislature shall not pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

A bill of attainder is a law by a legislature inflicting punishment, without a court trial. An *ex post facto* law is a law which may be used to punish a man for something he did before the law was passed. You can see what confusion we should have if the legislature should interfere with our courts in their administration of law.

Protection Against Inaccurate Law Making

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. No law shall be revived or amended by reference to its title only; but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provisions of a private, special, or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

All of these provisions are for the purpose of having our laws clear and accurate. Without such a clause an unwise

statement which would not be noticed might be slipped into a bill. A great many bills are presented at each session of the legislature and care must be taken that each bill contains only one object. In this way business can be done in an accurate way.

Form of a Law

5. The laws of this state shall begin in the following style: "Be it enacted by the senate and general assembly of the State of New Jersey."

This clause provides for a uniform manner of writing the introduction to a bill.

Public Schools

6. The fund for the support of free schools, and all money, stock, and other property which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund, or any part thereof, for any other purpose, under any pretense whatever. The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years.

This is a very important clause because it makes the state responsible for providing education for all children between five and eighteen years of age. You will notice also that it protects all school money so that it cannot be used for other purposes. In order that people can be good citizens they must be educated.

Protection of Minors

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

A person under legal age for doing business is here protected against loss of property.

Protection of Property Owners

8. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

Even though a company like a railroad serves the public it must make a just payment for any property it takes.

Special Bills

9. No private, special, or local bill shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption hereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved.

Here the citizens of the state are protected against those who sometimes wish to secure special legislation for their own benefit. Publicity of such bills often defeats them. Note that citizens must keep their eyes open so that the interest of the whole public will be protected.

Chancery Powers

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this State, chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.

This means that the legislature may give to certain courts powers to see that justice is done even when there are no exact items in the law which cover a certain case.

Laws Not to Be Passed

11. The legislature shall not pass private, local, or special laws in any of the following enumerated cases; that is to say:

Laying out, opening, altering, and working roads or highways.

Vacating any road, town plot, street, alley, or public grounds.

Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning, or empaneling grand or petit jurors.

Creating, increasing, or decreasing the percentage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual any exclusive privilege, immunity, or franchise whatever.

Granting to any corporation, association, or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

This whole paragraph is for the purpose of preventing legislation which will take care of or benefit single cases. The legislature should pass general laws. Then private companies or individual interests may all be on the same basis. This makes for fairness and equality of opportunity.

Assessment of Property

12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.

Property is to be assessed at its true value, that is, what it is worth in the market. This causes a fair distribution of taxes.

SECTION VIII

Oaths of Office

1. Members of the legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the general assembly, as the case may be) according to the best of my ability."

And members-elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

Oath of Officers

2. Every officer of the legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially, and justly perform all the duties of the office of ....., to the best of my ability and understanding; that I will carefully preserve all records, papers, writings, or property intrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law."

Do you notice that in addition to agreeing to be a faithful supporter of his state a member agrees to support the Constitution of the United States? Thus, we all have a double allegiance.

ARTICLE V

EXECUTIVE

Governor

1. The executive power shall be vested in a governor.

The governor is the head of the executive branch of the government.

Election and Term of Governor

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a

governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointment or nomination to office shall be made by the governor during the last week of his said term.

The governor is elected for a term of three years. It is interesting that a governor may not be a candidate for a second term until three years after his first term of service. In some states this provision does not exist but it was probably put in to prevent a governor from working for his own re-election.

Qualifications

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

Notice that the governor must have been a resident of the state much longer than a member of the senate or the assembly.

Salary of the Governor

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

A governor should not be able to have his salary raised while in office nor should it be decreased. At present, the governor of New Jersey is paid an annual salary of $10,000.

Powers of the Governor

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature, or the senate alone, whenever in his opinion public necessity requires it; he shall communicate by message

to the legislature at the opening of each session, and at such other times as he may deem necessary the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

Besides seeing that laws are enforced the governor has the duty of recommending legislation and appropriations to the legislature. Notice that he is the military commander-in-chief of the state just as the President is of the nation.

Approval of Bills

7. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law. If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which

the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

If a governor does not wish to sign a bill he sends it back to the legislature. This is called vetoing a bill. Notice that if a *majority* of both houses repass a bill it becomes a law. In the United States Congress a vetoed bill must receive a two-thirds vote to become a law. Notice also that if the governor keeps a bill five days it becomes a law without his signature. Sometimes several hundred bills are presented to the governor during the closing days of the session of the legislature. He must work fast to consider all of these within the five days allowed.

Ineligibility

8. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States, or this state, his office of governor shall thereupon be vacant. Nor shall he be elected by the legislature to any office under the government of this State or of the United States, during the term for which he shall have been elected governor.

The governor must not hold other state or national offices. He needs to give his undivided attention to his important work.

Power Over Fines, etc.

9. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

This clause might prevent unjust fines or punishments. The governor could cause delay and thus secure more consideration of a case.

Pardons

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after convictions, in all cases except impeachment.

You notice that the governor alone cannot grant a pardon. There must be a majority vote of the group which is named here.

Impeachment

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office, and for two years thereafter.

An impeachment is a trial. The trial of a public officer does not occur often, yet it is wise to have all our officers subject to law.

Vacancies in the Office of Governor

12. In case of the death, resignation, or removal from office of the governor, the powers, duties, and emoluments of the office shall devolve upon the president of the senate, and in case of his death, resignation, or removal, then upon the speaker of the house of assembly, for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor and senate, or by the legislature, in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed; when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified. No person who shall have been nominated to the senate by the governor for any office of trust or profit under the govern-

ment of this state, and shall not have been confirmed before the recess of the legislature, shall be eligible for appointment to such office during the continuance of such recess.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation, or removal, then upon the speaker of the house of assembly for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor-elect before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the president of the senate or speaker of the house of assembly, as above provided for, until a new governor be elected and qualified.

These clauses provide for the filling of the office of governor in case of death, resignation, impeachment, or any other cause. You should note that when the legislature is not in session the governor may fill vacancies and thus keep the business of the state going on. But, if the senate does not confirm the nomination before it adjourns the governor may not appoint the same person again. Thus you see that the senate has considerable control over the appointments of the governor.

ARTICLE VI

JUDICIARY

SECTION I

Courts Established

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such

inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Here are listed the different courts set up in the state. The court of errors and appeals is the highest or final court.

SECTION II

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years. **Court of Errors and Appeals**

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

These clauses, you will note, regulate the composition, compensation, and duties of the court of errors and appeals. When appeals come to this court from lower courts no judge who has passed a judicial opinion on the case in a lower court shall have a vote. Thus a fair hearing is obtained before men

who are not influenced one way or the other. Our courts must always decide questions according to their understanding of the law.

SECTION III

Impeachment

1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence"; and no person shall be convicted without the concurrence of two thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit, or trust under this state; but the party convicted shall, nevertheless, be liable to indictment, trial, and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Do you see that in a case of impeachment the assembly votes first to have the case tried? Then the senate sits as a "court" to try the case. Anyone found guilty of misconduct in office may be removed from office but may not be fined or imprisoned unless the case is carried to an ordinary court of law.

SECTION IV

Court of Chancery

1. The court of chancery shall consist of a chancellor.

The court of chancery is very interesting because it is formed for the purpose of providing justice when the remedies prescribed by courts are not adequate. Notice that the chancellor is the court. He is really the highest legal officer in the state.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court. **Duties of the Chancellor**

This means that the chancellor is judge of the highest probate court in the state. By probate court is meant a court dealing with wills and the settlement of estates.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, or circuit court if the subject matter thereof be within the jurisdiction of the orphans' court. **Orphans' Court**

Perhaps you can tell by the name "orphans' court" that this court takes care of the property left when a person dies. This paragraph provides for an appeal to the chancellor's court so that a person may secure justice if he thinks he has been wronged in the lower court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect. **Secretary of State the Register**

As in the other courts, the secretary of state is the clerk of this court.

SECTION V

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two. **Supreme Court**

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme

court, and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

There are now eight associate justices so that the supreme court consists of nine justices.

The supreme court takes care of questions involving all real, personal, or mixed actions at common law. It also has the power to decide whether laws of the legislature have been properly passed or are in accordance with the constitution. The only appeal from this court is to the court of errors and appeals.

The circuit courts have equal authority with the supreme court except in criminal cases. There are now twelve circuit court judges who hold court in different parts of the state.

SECTION VI

Court of Common Pleas

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

The court of common pleas holds sessions in each county. This is a busy court because it considers personal disputes and cases relating to bankruptcy, accidents, etc.

Each county has one judge of common pleas.

SECTION VII

Justices of the Peace

1. There may be elected under this consitution two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; provided, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

Justices of the peace have charge of minor offenses. If a a man is caught violating the Motor Vehicle Act he would probably be taken before a justice of the peace who might fine him. Notice that justices of the peace are elected by the people.

ARTICLE VII

Appointing Power and Tenure of Office

SECTION I

MILITIA OFFICERS

Militia Officers and Organization

1. The legislature shall provide by law for enrolling, organizing, and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons shall be elected by the commissioned officers of their respective regiments, battalions, or squadrons.

4. Brigadier-generals shall be elected by the field officers of their respective brigades.

5. Major-generals, the adjutant-general, and quartermaster-general shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office but by the sentence of a court-martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint all militia officers whose appointment is not otherwise provided for in this constitution.

10. Major-generals, brigadier-generals, and commanding officers of regiments, independent battalions, and squadrons shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons, respectively.

You know that the United States has an army. The state also has a force called the "militia." In the paragraphs you see the way this force is organized. Notice that officers are elected by various units except that the high officers are appointed by the governor.

SECTION II

CIVIL OFFICERS

Justices, Chancellor, and Judges

1. Justices of the supreme court, chancellor, judges of the court of errors and appeals and judges of the inferior court

of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court and the chancellor shall hold their offices for the term of seven years, shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

By having these officers appointed by the governor they are removed from the necessity of making campaigns and appealing for votes. The governor's opinion must be approved by the senate.

Judges of Common Pleas

2. Judges of the courts of common pleas shall be appointed by the senate and general assembly in joint meeting.[1]

These officers are elected by the legislature in joint session and hold office for three years.

This provision that these judges be appointed by the legislature is disregarded because of an amendment made in 1875 to Paragraph 1 above which provided that these judges be appointed by the governor.

Treasurer, Comptroller

3. The state treasurer and comptroller shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for three years, and until their successors shall be qualified into office.

---

[1]This provision that the judges of the court of common pleas shall be appointed by the senate and general assembly in joint meeting, which was in the Constitution as ratified in 1844, and never since formally expunged, is disregarded because of the amendment made in 1875 in paragraph one of this section, which provides, *inter alia*, that judges of inferior courts of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

Attorney General and Others

4. The attorney-general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, secretary of state and the keeper of the state prison shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years.

The attorney-general represents the state in legal matters. The keeper of the state prison has a great responsibility in providing for the care and discipline of the prisoners.

Reporters

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

These officers are appointed by the people with whom they work.

Clerks and Surrogates

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly.

They shall hold their offices for five years.

Notice that these county officers are elected by the people of the county. The county clerk has a number of duties connected with keeping the records of the business of the county. The surrogate deals with probating wills and the settlement of estates.

Sheriffs and Coroners

7. Sheriffs and coroners shall be elected by the people of their respective counties, at the elections for members of the general assembly, and they shall hold their offices for three years, after which three years must elapse before they can be again capable of serving. Sheriffs shall annually renew their bonds.

These officers are elected by the people. The sheriff is responsible for keeping peace in the county. He should investigate cases of law breaking and arrest the offenders. The coroner has the duty of investigating cases of death under suspicious circumstances.

Justices of the Peace; Other Officers

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; provided, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards.

You already know that these officers take care of minor cases.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate; and shall hold their offices for the time prescribed by law.

When need arises for other officers the governor may appoint.

Authority to Commission

10. All civil officers elected or appointed pursuant to the provisions of this constitution, shall be commissioned by the governor.

After a person is appointed to an office he receives a paper or "commission" signed by the governor. This shows that he is legally entitled to the office he holds.

Term of Office

11. The term of office of all officers elected or appointed, pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the

date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

No person can hold office until his commission has been signed and in force.

ARTICLE VIII

GENERAL PROVISIONS

Secretary of State

1. The secretary of state shall be ex-officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

Here, the secretary of state is given the duty of looking over the accounts of the treasurer to see if they are correct.

Seal of the State

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the government, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey to ————————, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, viz.: "against the peace of this state, the government and dignity of the same."

The seal of the state must be stamped on certain documents before they are valid. Notice that the governor is responsible for keeping this seal.

Date of Operation of Constitution

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

This provision was necessary in order to abolish the old constitution on a given date.

ARTICLE IX

AMENDMENTS

How the Constitution May Be Amended

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature next chosen as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution; provided, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

The makers of the constitution realized that changes of life and of ideas might make it necessary to amend the constitution. On the other hand they thought that amendments should be well thought out and not too easy to make. Notice the number of steps that must be taken before an amendment can be passed. It must be passed by both houses of the legislature not only in one session but in two sessions. It must have publicity. Even after that it must be passed by a majority of

the voters at a special election. All amendments must be kept separate so that there will be no confusion. Then if an amendment fails, five years must pass before it is presented again. Thus, an amendment must be very worthy to travel through all of these steps. Notice that the constitution has been amended only three times since 1844.

ARTICLE X

SCHEDULE

Schedule for the Change of Government from the Old Constitution of 1776 to the New One of 1844

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

3. The present governor, chancellor, and ordinary or surrogate-general and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice-president of council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice-president of council, together with the present members of the legislative council and secretary of state, shall constitute a board of state canvassers, in the manner now pro-

vided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice-president.

6. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state, the votes counted, and the election declared in the manner now provided by law in the case of the election of electors of president and vice-president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for, and the commissions shall expire at the end of the first session of the senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

All these paragraphs were for the purpose of changing from the old constitution to the new one. It was necessary that the government go on until all of the provisions of the new constitution could be put in force. Notice the importance of Paragraph 12 in giving the legislature the right to pass all laws necessary to carry out the provisions of the constitution.

State of New Jersey:

I, Joseph F. S. Fitzpatrick, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true

copy of the Constitution of the State of New Jersey as amended, as the same is taken from and compared with the original Constitution and amendments thereto, now remaining on file in my office.

In testimony whereof, I have hereunto set my
[L. S.] hand and affixed my official seal, this first day of August A.D. nineteen hundred and twenty-six.

JOSEPH F. S. FITZPATRICK.

Making the First American Flag

HISTORY OF THE FLAG OF THE UNITED STATES

The Flag of the United States of America is the third oldest of the national standards of the world; older than the Union Jack of Great Britain or the Tricolor of France.

During the early days of the Revolutionary War a variety of flags were used by the different colonies and military commands. Prominent among these were the "Pine Tree" and "Rattlesnake" flags with various arrangements and mottoes.

Late in 1775 a committee of Congress with Benjamin Franklin at the head, after consulting with Washington in command of the army at Cambridge, decided upon the form for a new flag. This flag consisted of thirteen stripes, red and white, with the crosses of St. George and St. Andrew on a blue field in the canton or union. This preceded the Declaration of Independence and indicated that the colonies had not wholly broken from the mother country. This flag was first unfurled by Washington, January 2, 1776. It was probably this flag which was raised by Paul Jones on his vessel and carried by the American fleet which sailed out of Philadelphia in February, 1776.

During 1776 and 1777 a number of flags with thirteen stripes came into use and the need of a definite national emblem was realized. On June 14, 1777, Congress passed an act stating "That the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars, white in a blue field, representing a new constellation." This was the birthday of the Flag as we now know it and June 14 is now celebrated as "Flag Day." This new flag was first displayed on land at Fort Stanwix, New York, and it remained the national standard until 1795.

In the meantime Vermont and Kentucky had become states, and on January 13, 1794, Congress voted that the flag should have fifteen stripes and fifteen stars. This flag remained

in use for twenty-three years, and it was "The Star-Spangled Banner" of which Francis Scott Key wrote in 1814.

In April, 1818, Congress passed an act providing that the flag should have the thirteen horizontal stripes, alternate red and white, and that the union should display twenty stars, representing the number of states then in the Union. It also provided that on the admission of every new state to the Union a star should be added on the following July 4th and this has been the regulation ever since, accounting now for the forty-eight stars shown.

PART II

THE ROAD TO LIBERTY
AND
HOW ZACH PETERS FOUND IT

"WHY, HE CAN'T KEEP ME HERE IF I HAVEN'T DONE ANYTHING."
(*See page 55*)

The Road to Liberty

AND

How Zach Peters Found It

An American Adventure in Ten Dreams

By

HERMANN HAGEDORN

Executive Director Roosevelt Memorial Association
Editor Collected Works of Theodore Roosevelt
Author of "Roosevelt in the Bad Lands"
"The Boys' Life of Roosevelt"
"You are the Hope of the World," etc.

ILLUSTRATED BY

FRANK GODWIN

THE JOHN C. WINSTON COMPANY

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ATLANTA SAN FRANCISCO DALLAS

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DREAM THE FIRST

"We, the People"

ZACH PETERS felt his eyelids droop with sleep, but he pushed them up again. He hadn't done half his civics lesson, and the facts he had managed to capture and hold about the framework of the government and the Supreme Court and Congress and *habeas corpus* and freedom of speech and the right of private property, would scarcely have felt crowded on a two-cent stamp.

His hand slipped down from the table and groped about for the ears of his best friend who stood at his feet. His name was Zip and he was a Boston bull, and what those two did not know about each other was not worth being regarded as information.

"Gee, you're lucky," murmured Zach. "The next guy who tells me he's been working like a dog doesn't get any sympathy from me at all. I don't know what's it all about that I'm supposed to be learning. I've read it over and over again, and Zip, it just doesn't seem to have any meaning at all. It's just a bunch of words cooked into a stew. It doesn't mean a stick of gum in our young lives. '*We, the people of the United States, in order to form a more perfect Union*'—swell talk, I'll say, and all that it's got to do with me except to give me a headache I'll pay for with a plugged Canadian dime."

He yawned. His eyelids drooped. He pulled himself together. "Duties of the President. Let me see. The duties of the President are—"

He yawned again and stretched, looking big-eyed and very sleepy. "'The Constitution of the United States,' Zip, says a big galoot in England or somewhere, 'is the most wonderful work ever struck off at a given time by the brain and purpose of man.' I'll say so. But it's just about as exciting as algebra."

He rumpled his hair. "Now if it were history, Zip," he protested, "it'd be diff'rent. There's, as you'd say, action in history. Mother's a whiz on history. She'd rather read history any day than the sporting section. She fed me his-

HIS HAND GROPED ABOUT FOR THE EARS OF HIS BEST FRIEND

tory stories from the time I was old enough to know spanks from candy. Egypt, Greece, Rome, France, Spain, England, and the U. S. A., you bet. History's all right, but this stuff! I call it a wicked hand-out. Well, here goes, Ferdinand and Isabella!"

He threw his arm over the table again and bored his eyes into the blurred page: *"We, the people of the United States, in order to form a more perfect Union—We, the people—of the United States—We, the people . . ."*

His eyelids drooped. Zip lifted his head and looked at him and grunted. Zach's eyelids drooped; Zip's eyelids drooped. Zach's head sank over his books; Zip's head sank on Zach's shoe. Both slept.

* * * * * * * * * * * *

The world seemed slowly to grow light. Gigantic columns stood round about like a forest of great trees. Crowds of men and women with dusky faces and queer outlandish costumes passed back and forth, and now and again some personage went by surrounded with slaves bearing golden boxes or cups or huge fans of peacock feathers.

Zach stared at the crowd. His first thought was that someone was staging a movie. Then he happened to catch a glimpse of his own cos-

tume. He was wearing a petticoat! And his legs and arms were like a gypsy's. He decided that he must be dreaming.

"I wonder who let those birds get out of the coop?" said Zip the Boston bull. He said it in perfectly good Egyptian; so Zach knew for sure he must be dreaming.

Suddenly they heard a cry: "The king!" It rang back and forth through the temple. "The king! The king! The king!"

A heavy throne of gold approached on the bent shoulders of slaves. On it sat a man with a crown like the rays of the sun. Zach knew who he was. It was the great king Cheops who was building a pyramid for a tomb. Thousands of men were working on it, working until they died as other thousands had died and as other thousands still would die for the greater glory of the king.

"I, the King, decree that—"

"Bow down!" cried a voice at Zach's back. He turned. The lash of a whip fell sharply on his bare shoulders. He saw Zip make a dive for a man's leg. Then the whip fell again. Once more, like trumpets, came the words: "I, the King, I, the King—" Then everything went black.

HE WAS WEARING A PETTICOAT!

The world brightened again. He was in the shadowy corner of a great tent. A man whom he heard called "King John" was sitting in a high-backed chair facing a great gathering of his barons. The King was mean-looking. Zach could see at once that he had a yellow streak. The barons were not any too gentle-looking themselves.

"What do you want?" snarled the King.

They told him that they wanted some of his power. He had too much, and they didn't like the way he used it. They gave him a paper to sign, and because they happened at the time to be strong and he happened at the time to be weak, he signed it. They called it "Magna Charta"—the "Great Charter." Everybody cheered; everybody, that is, except the King.

"We, the barons, demand that—"

"Hurray!" barked Zip.

"Shut up!" whispered Zach clapping his hand over the pup's cold snout. "They'll catch us."

"I don't care if they do," retorted Zip. "It's a great moment. 'We, the barons' may not be much, but it's a hundred per cent advance on 'I, the King.' "

King John must have heard him say it, for he turned suddenly and gave Zip a savage kick; and darkness was over Runnymede. But in

Zach's ears reëchoed the new cry: "We, the barons, we, the barons . . ."

Once more the world brightened. Zach found himself in an alcove of a huge room with Zip the bull pup at his side, snapping idly at the flies. A man with a crown on his head came into the room followed by a man without a crown who argued with him. Then came other kings with other argufiers—kings and kings and argufiers and argufiers. The kings always wanted to have their own way, but the argufiers would protest, some successfully, some not. Now and then a king would get impatient and shout, "Off with his head!" and the argufier would be led away to a hill near by and have his head chopped off.

But there were always other argufiers; and finally one of the argufiers got impatient and this time he was the one to shout, "Off with his head!" and it was the king who was led away and had his head chopped off.

"You know those guys," remarked Zip. "The polished king-feller—his name is Charles and the rough guy is called Cromwell."

"I'm glad the king got his," muttered Zach. "I'm getting fed up on these kings."

He saw other kings—good kings and bad kings, mostly bad—then at last a fat king who

did not seem to be all there. His name was George.

"These Americans want rights, do they? No taxation without representation, they say? Insolent rebels! They'll take what I give them. That's that!"

And the walls faded out and Zach saw men dressed as Indians throwing tea into Boston Harbor; and he saw a horseman riding furiously to Lexington; and farmers shooting from behind walls; and young men and old men leaving their plows in the fields to take up musket and sword; and a quiet, straight man leaving his farm on the Potomac to take command; and men fighting, and other men gathered round a table putting their names to a Declaration of Independence; and victories and defeats and soldiers standing barefoot in the snow, half-starved but undaunted; and treason and sieges and triumph.

"We, the people! We, the people! We, the people!"

Zach felt his eyes burn and his heart thump, for, as he watched, it seemed to him that he saw nothing but faces, a world of upturned faces, hundreds, thousands, millions! Men and women who had dreamed and suffered and fought to change the words "I, the king," into the words "We, the people"!

And as he watched, with his little dog at his side, he heard voices that rang until all creation to the uttermost borders of the blue heavens seemed to be filled with the triumphant sound:

"*We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*"

Zach stood very straight and slowly brought his hand to the salute.

DREAM THE SECOND

The Framework of the Government

THE voices died away, the faces faded, and Zach was in his room again with his head resting on an open book. The teacher wondered the next day how under the sun Zach Peters happened to understand so well the inner meaning of those first three simple words of the Preamble to the Constitution.

That night Zach, who never did his homework until the last minute—being quite different from all other girls and boys in this respect—was more ready for bed than for knowledge when he took up his copy of the Constitution to study about the "framework of the government." Zip lay at his feet as usual, not revealing in his fresh, round face that (in Zach's dream at least) he could speak English and Egyptian, if necessary,

and had seen more kings than there were cats in all the back yards of Pippin Springs.

"'*We, the people*'—we've got that in our noddle, Zip. Not a king, not his mighty highness, but everybody, plain folks and all. That's got sense to it. And I understand why we the people have to get together to establish constitutions and things. It's to keep crooks from robbing us and bullies from walloping us, and to pass traffic regulations and to take care so that everybody gets a reasonably square deal. Now here's how we do it, Zip. Listen. 'Article I, Section I *Congress*.' Gee, Zip, I wish they'd put it 'Part One, Reel One'—it wouldn't sound so like punishment. Listen. '*All legis-lative powers herein granted shall be ves-ted in a Congress of the United States, which shall consist. . .*'"

He yawned. "That's only part of Section I, Zip. There are two sections before you get to Article II which tells about the President and what he can get away with and what he can't, and that has four sections before you come to the next article which tells about what happens when the law gets the hook into you. And it's all static-jabber to me, Zip. I'll say it is. I understand the words, but I don't *see* it. It's words and it stays words and I wish I was in bed

"ZACH PETERS!" CALLED THE KING

or at a movie or listening in on Chicago or Honolulu or New York or having a soda with Bessie Lincoln."

He held his head. The dog placed a paw on his knee sympathetically. Two minutes later Zach Peters was asleep and Zip was lying curled up at his feet.

* * * * * * * * * * * *

Zach saw a grove of trees and the blue sky peering through the treetops. In the grove there was a great chair, and in the chair sat a fine old man with a bald head and a long beard. Around him, filling the grove to its borders, were hundreds of men and women.

"That's another one of your kings," remarked Zip in ancient Hebrew. "I can feel it by the itch in my jaws."

"The King," remarked Zach irreverently, "has his hair in the wrong place."

Suddenly they heard hot words. Two men, both excited, were talking to the King at the same time. The King pointed to one of them. "You speak first."

The man presented his grievance; then the other spoke. The King gave his decision.

"Get it, Zip?" remarked Zach. "This fellow's a judge."

"Hear, O Israel," said Zip solemnly.

Others came and told their troubles. They were mostly cattle men with large herds, and a number of them were suffering, it appeared, from the raids of cattle thieves.

"I decree a law," said the King solemnly, "that any man robbing another of his cattle shall be put to death."

"That king makes laws, too," remarked Zach to Zip.

"Hear, Ephraim and Manasseh," said Zip.

The King was speaking. "Take a hundred men," he was saying to a man with a golden breastplate, "and clear the country of these cattle thieves."

The soldier bowed and went away.

"The King executes the law, too, Zip," said Zach. "He's holding down three jobs. My guess is that he gets swamped."

The guess was good. One after another, the people came with their grievances. The King began to blow a little and to wipe his forehead; and still the people came.

"Zach Peters!" called the King.

Zach looked scared, wondering what he was going to be punished for this time. But he stepped forward as boldly as he could.

"Zach," said the King solemnly, "I have to

make laws and I have no time to be judge. You shall be judge."

Zach tried not to look proud, but Zip gave three cheers, all by himself.

So Zach was judge, but he found shortly that there were so many cases that he could not handle them all by himself. So he asked the King to appoint judges under him. When the people thought the decisions of these judges were wrong, they appealed to Zach, and when they thought Zach had slipped up on the law they appealed to the King himself.

The King, meanwhile, was having troubles of his own. Merely making laws and executing them proved to be too much for one man. "He's called in some wise guys for advice," Zip reported, "and now a lot of other guys who state without undue modesty that they are even wiser, have decided to make all the laws themselves." Now, instead of three, the King had just one job—to execute the laws.

Zip walked solemnly from Zach to the King and from the King to the lawmakers, who were very noisy—being different in that respect from other lawmakers—and then back to Zach.

"Behold," he remarked with a gesture, "the framework of the government! Where those guys are making a racket—the legislative end;

Nice Old Whiskers over there, the executive, and you and your solemn outfit, the judicial. Each separate, and all tied together. The legislators make laws, the judiciary say if they're constitutional and judge people under 'em, the executive signs 'em and enforces 'em. Now if they'd only let pups have the vote all would be perfect and—"

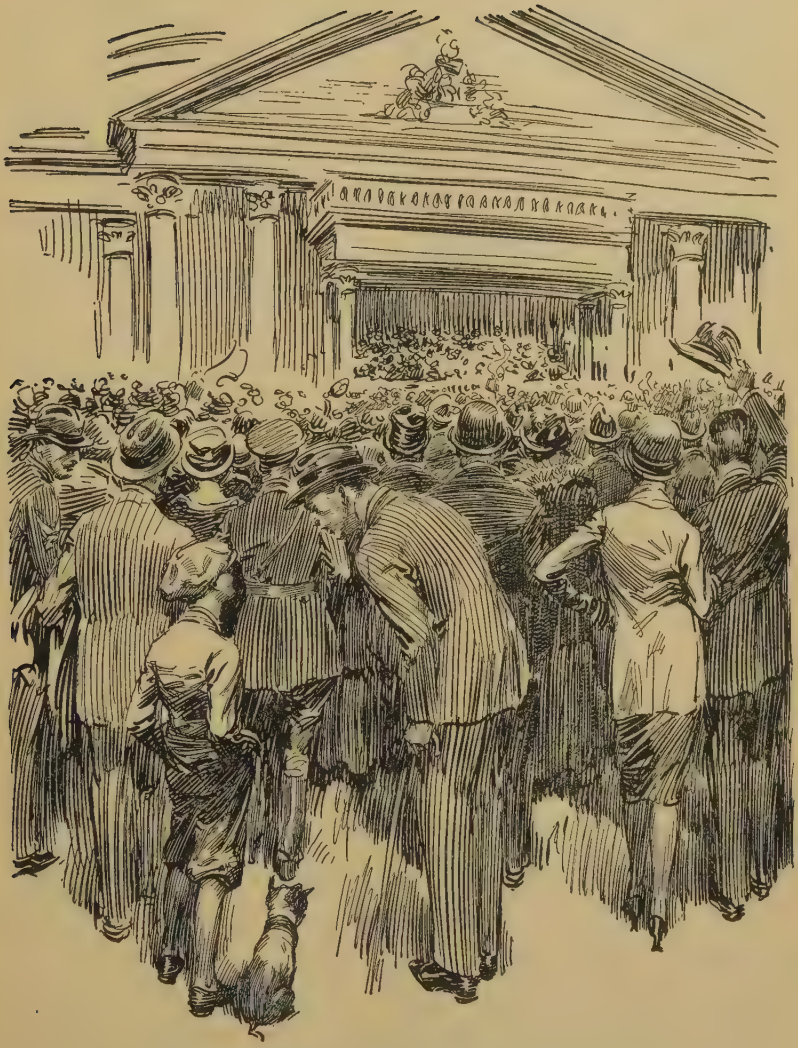
But something seemed to happen. The King and the lawmakers, and the judges and the crowds all seemed to fade. Where they had stood was a great building with wide steps and a dome. Zach walked up the steps. In a large room sat hundreds of men at little desks, and under an American flag sat another man who was keeping order by hammering a table with a mallet.

Zach asked Daniel Webster, who happened to be standing near by, who they were. "This, young man," said the great orator sternly, "is the House of Representatives. And at the other end of the Capitol is the Senate. Together they make up the legislative branch of the government."

"My!" exclaimed Zip impudently, "doesn't he know a lot?"

Daniel Webster looked haughty and withdrew.

And now suddenly they were in a much smaller



"THAT'S THE HONORABLE ZACHARY PETERS"

room. Nine men in black silk robes sat at a long desk, listening to a speech which another man on the other side of the desk was making. Suddenly one of the judges rose.

"Who's that?" whispered Zach.

"That's John Marshall," answered Zip, "Chief Justice of the Supreme Court."

"Gentlemen of the Court," said the Chief Justice impressively, "we welcome to the judicial branch of the government Mr. Zach Peters, a young but brilliant student of the Constitution, accompanied by his bull pup, Zip, also young and, if possible, even more brilliant—"

Zach felt the room spin round as the voice of the Chief Justice drifted off into silence.

When he came to himself he was in the midst of a dense crowd that stretched in all directions as far as he could see. High over him loomed the dome of the Capitol. On a platform, decorated with flags, stood the same Chief Justice with an open book in his hand. Another man had his hand on the open book. Faintly Zach heard the words this other man was speaking:

"*I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.*"

"What's happening?" asked Zach of a man near him.

"He's taking the oath of office."

"Who?"

"Say, where have you been? That's the Honorable Zachary Peters, President of the United States."

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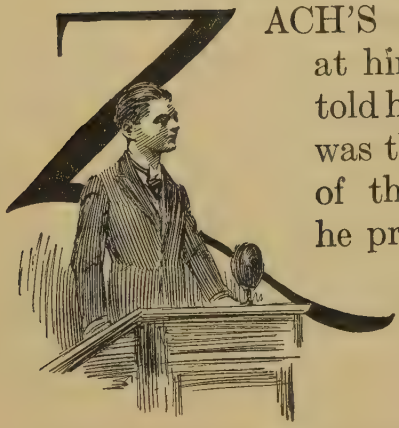
Zach gave a gasp, and woke up; and Zip gave a wild squeal as Zach's foot came down like a pile driver on his tail.

DREAM THE THIRD

Declaration of Wars



ZACH'S civics teacher laughed at him next day when Zach told him that John Marshall was the present Chief Justice of the United States; but he praised him to the whole class for the clear way in which he showed the three divisions of the government. "I am glad to see you working so faithfully," he concluded.

Zach felt guilty and was glad Zip wasn't around to wink at him.

He went to his civics that evening with a puzzled look on his face. "Zip," he remarked to his bull pup, "there's a joker somewhere. Teacher says, 'I'm not going to give you much to study, for tomorrow—just eight words. But I shall expect you to know what those eight words mean.' Sounds simple, doesn't it? It sounds too simple to me; it doesn't sound natural, not coming from that particular teacher. Here are

the words: *The Congress shall have power to declare war.*

"Well, say you, what about it? You're willing to leave it to Congress, and so am I. Now what's so deep about those eight words? *The Congress shall have power*—the Congress, not the President. That means, doesn't it, that the President sha'n't have the power? Why sha'n't he now? *The Congress shall have power*—"

He stopped. "Zip," he said, "Mother's been talking to me about the big War, and about wars generally. She's got it all lined up that it's the kings who have made most of the wars and if we'll just get away from king's we'll gradually get away from wars.

"Democracy, she says, means a square deal, and people who are used to thinking about the square deal don't go rampaging around making war for nothing in particular. Kings! She's told me great stories about kings. Gee! Blood? Wow! Alexander and Caesar and Cambyses and Attila and Timur the Lame and Napoleon and Ivan the Terrible. Scads of 'em! All the people who went out to get what they wanted, hook or crook, and got it, and got smashed, always got smashed—in the end. She says there are people like that now—in every town—and they are the ones that make wars—big and little."

He spoke dreamily, with his eyes in space. He pulled himself together and with an effort applied himself once more to his book. "*The Congress shall have power—the Congress shall —have—power—*"

He repeated the words, and repeated them again, trying to dig out their most hidden meaning. But he had been playing baseball all day, and he was sleepy; and visions were in his eyes, pulling him into far countries. The words gradually began to hum in his mind and to lose all meaning whatsoever. Zip began to snore; and that was too much. Zach's head dropped down on his book.

* * * * * * * * * *

A man with a bearded face was sitting on a throne, staring at a wall covered with carvings of bulls with faces bearded like his own. Zach crouched by the throne with Zip in his arms. He was frightened; for he was in Babylon, in the presence of the king.

"I am tired of peace," said the King. "I want to feel the thrill of battle; I want to see armies fight with armies; I want to see cities fall; I want to see kings in the dust before me. I will make my name terrible among the sons of men. What is it to be king of Babylon? I will be king of the world!"

An old man spoke. "O King," he cried, "your country is prosperous; its people are happy. Do not plunge them into ruin and despair."

The King rose. "Fling that doddering old fool to the wolves! Tonight we go forth to war!"

Zach saw a confusion of rushing chariots and men on horses and men on foot. He saw the midnight attack, the triumph, the burning of cities, the slaughter of women and children, the triumphal procession, with kings and queens chained to the chariot of the Babylonian king. He saw fields neglected and empty towns, and the King taking over more men and more men. Then he saw the King fleeing and the enemy's host drawing near and battles at the walls of the city and battles within the city, and the King slaughtered, and Babylon in flames, and Babylon in ashes, and Babylon in dust, with a lone tiger howling among the ruins.

And as Zach looked, the ruins faded and gorgeous palaces rose before him; and he saw more kings on golden thrones, and heard them say, "The world shall remember my name!" and saw them go forth to conquest in spite of the pleading of counselors and the cries of women and children. He saw kings in splendor, and kings in the dust, an unending procession against a background of burning cities and shattered

A MAN WITH A BEARDED FACE WAS SITTING ON A THRONE

homes; kings who cried, "I will make war!" and who made war for glory, or power, or riches, or a woman's beauty, or fear. Egyptian kings, Assyrian kings, Median kings, Persian kings, Greek kings, Roman kings, Parthian, Chinese, Indian kings; German kings and French kings, British kings and Spanish kings, Italian kings, Austrian kings, Hungarian kings, Russian kings.

Zach watched, in horror, one king after another sacrificing his people to his own desire for gain or glory. And as he watched, it seemed to him he heard a great cry that gathered strength as it came: "*What is a king's fame to us? We, the people, want peace!*"

Suddenly, Zach found himself in a palace in London. A man he recognized as Charles the First was talking to a plain man who represented the people.

"The parliament must give me the money. Don't you see?—I need it to carry on my war against the Scots."

"What is your war to us?"

"You deny me?"

"Go and make peace."

The King made peace.

"Believe me, Zach," remarked Zip, the bull pup, "it was a great day for the peace of the

world when the people got hold of the national pocketbook."

The room seemed to change, to grow large. Zach found himself standing in a doorway, looking in upon a great assemblage.

Someone cried: "The President of the United States!"

He looked about to see the President, and then suddenly remembered with a shock that he was the President. Everyone rose as he entered, and cheered. He walked to a raised platform and, standing by a reading desk, read a message about matters which he believed the Congress should know. As he stood there, it came to him that he was talking to the whole American people. The microphone on the desk would, he knew, carry his very voice to millions; other millions would read his words in the newspapers. A hundred million people were listening to him, and tomorrow, he knew, the men and women before him would begin to receive word from people whose representatives they were, saying,

"Do this, do that!"

"How strange, how strange," Zach said to himself, "to be President of the United States!"

Quietly he read his message, telling the representatives of the people that a powerful nation had encroached on America's rights; that Ameri-

ZACH SAW HIMSELF IN THE PRESIDENT'S OFFICE

can citizens had been killed and no redress had been offered; and that all his attempts to make a friendly settlement had failed. He had done what he could, he said. Now Congress must decide the issue of peace or war.

Zach saw himself in the President's office in the White House. Men and women came and went, talking excitedly, senators and representatives, newspaper men, generals, prominent citizens. "This I believe and that I know," Zach heard himself saying. "But Congress must decide."

A message came from the Capitol: "The Senate has adopted a resolution declaring war." Then came another message. "The House has adopted a resolution declaring war." Then a committee of senators and representatives came to him with the joint resolution, for his signature.

He signed his name. "Gentlemen, we are now at war," he said solemnly. "Since it had to be, I am glad that it is the representatives of the whole people and not I alone who bear this responsibility."

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"Zach!" cried a voice. He wondered who dared call a President of the United States so unceremoniously. "Zach!"

The White House seemed to grow dim.

"Haven't you gone to bed yet?"

"Mother!" he remonstrated. "Remember I'm President of the—"

He opened his eyes.

"Why, Zach!" exclaimed his mother. "You've been asleep!"

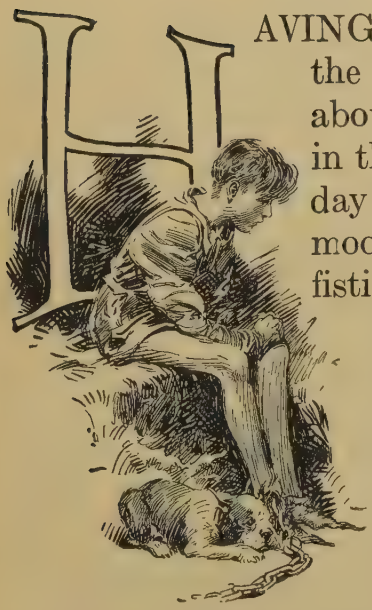
He was not quite awake even now. "I was President," he murmured dreamily. "But it was Congress, mother, that declared the war."

"If you don't get to bed," exclaimed his mother, "there'll be somebody else declaring war! Skip!"

The ex-President skipped, with more speed than dignity.

DREAM THE FOURTH

Habeas Corpus



HAVING studied about wars half the evening, and dreamed about wars the rest, it was in the nature of things next day that Zach should be in a mood either extremely pacifistic or extremely belligerent. Now if Zach had turned pacifistic, Zach's mother might have rejoiced, but his father would have inquired whether he were sick. He was not by nature a pacifist.

He went home from school with Bessie Lincoln. That was an event, for Bessie wasn't one of these flappers with a roving eye, but a solid young person of thirteen or fourteen, with character, brains, and good looks evenly proportioned. It was worth votes in any class election to be seen walking home with Bessie Lincoln, of much

more account than a certificate of good conduct from the Principal.

Zach thought the sidewalk had springs, and was ready to believe that at the other end of Main Street were the pearly gates. But at Seventh and Main his bliss was rudely interrupted. Joe Simmons, a boy of seventeen or so, who was head of a rough gang, made a remark, as Zach and Bessie Lincoln passed by, which Zach considered uncalled for. He stopped and punched Joe Simmons. There was a fight. It was a beautiful fight, with a circle, three deep, of thrilled spectators. Bessie finally put an end to it, but not before Zach had acquired a black eye and Joe a bloody nose. The rest of the walk to Bessie's house was taken up by Bessie with a lecture on the evils of private warfare. Zach was much cast down. But Bessie made up for it as they parted.

"Of course," she said, "I appreciated, Zach, that you didn't want to hear me insulted. And since you had to fight, I'm glad—I'm glad you fought hard."

Now, how was a young man of fifteen going to study about *habeas corpus*, with such an event to think about?

He tried to, for there was a dogged, conscientious streak in him, but somehow, though he read the words, the sense did not make its

IT WAS A BEAUTIFUL FIGHT

way into his brain. He told Zip again and again all about Bessie Lincoln until—

"Zach!" called his mother. "Aren't you in bed yet? It's nine-thirty."

"I haven't got my homework done, mother!"

"Well, then, you'll have to take the consequences."

"But mother," he pleaded. "I've got to. I—"

"Not another word. I'm tired of nagging. To bed with you! Quick!"

Zach wasn't so overwhelmingly sorry to leave *habeas corpus*. He was asleep before his head hit the pillow.

* * * * * * * * * *

It was the strangest alley imaginable, all turns and twists; unpaved, and more like a country lane for all its double row of narrow, ancient houses, than a street in London town. But the people in it were even stranger. Zach had lived long enough in the world not to be surprised at anything that women wore; but to see men all jigged up in doublet and hose and wearing tight-fitting leather caps or flaring hats with ostrich plumes, that was almost too much. Zach started to laugh, but when he saw that he was wearing a

doublet and hose himself, it no longer seemed funny. After all, who had a better right to wear them than Sir Zachary Peters, loyal subject of King Henry the Eighth? Especially when he was escorting the Lady Elizabeth Lincoln.

Zach was quite sure the Lady was the most beautiful creature alive; Zip, the bull pup, agreed. He was trotting on ahead, shouting:

"Stand back and clear the highway—
Stand back there! What you thinkin'?
Make way for Sir Zachary Peters
And the Lady Elizabeth Linco'n!"

It was a strange thing for a bull pup to be saying, but it did not seem strange to Zach.

Zip and his master were not alone in considering the Lady surprisingly beautiful. A young cavalier, in cape and sword, who, in spite of his odd clothes, somehow seemed to look familiar, passed them, stared, returned, stared again, and finally accosted them.

"I don't know you," said the Lady Elizabeth haughtily.

"Your beauty is my excuse," said the young man.

"You make me sorry for it."

"Make way!" cried Zach, "or, by heaven—"

Zip made a dive for the cavalier's leg. In the

"I DON'T KNOW YOU," SAID THE LADY ELIZABETH

same instant two swords flashed from their scabbards.

"No, no, no!" cried Lady Elizabeth, leaping between them.

"Let me at him!" exclaimed Zach.

"I forbid it!" declared the Lady, stamping her foot.

The cavalier gave Zip a kick, scowled, and went his way. Zach sheathed his sword.

"An unlucky day, young man," said a bystander, "when ye made an enemy of Lord Joseph, heir to the Duke of Simmons."

Zach snorted, and his bull pup snorted; and then suddenly it was night and the Lady Elizabeth was gone and they were in Zach's lodgings. There was a loud knock at the door; Zach opened it. A half dozen armed men stood in the corridor.

"Sir Zachary Peters," said the captain, reading from a long paper. "You are accused of treason to the King." He turned to his men. "Seize him!"

Zach could knock down one or two men and did; but he could not handle six. Someone hit him over the head with a pike, and then everything was dark. He came to, in a stifling place with Zip licking his face. About him in the shadows lay countless other creatures. He heard the rattling of chains when they moved.

"Where am I?"

"The Chinese call it the hoosgow," remarked Zip—"the jugg, the cooler, the coop."

"But I haven't done anything to be jugged for!"

A laugh arose and ran down the long, filthy dungeon, the most terrible laugh, Zach thought, that he had ever heard.

"What do you think *I* have done?" cried an emaciated old woman in rags.

"Or I? Or I? Or I? Or I?" cried a dozen voices.

"Do you mean to say—"

"Almost all of us," said a voice, "are innocent of crime."

"How do you come to be here?"

"Some of us," explained one of the prisoners, "offended the King or one of the great nobles. Perhaps one of them wanted our property, or was afraid of our political influence, or wanted our estates or had a mind to marry the lady we wanted to marry."

"Zach," said Zip. "I am beginning to see a great light."

"You mean—"

"That noble guy you sassed on the street."

"Lord Joseph," muttered Zach, "heir to the Duke of Simmons."

"If you offended Lord Joseph," said his fellow prisoner gravely, "you are in Dutch, indeed."

"Why, he can't keep me here if I haven't done anything."

"You will never have a chance to prove you haven't done anything."

"Why, at my trial—"

"You won't have a trial."

"What are you talking about? I've got friends. They'll get a *habeas corpus* order from some judge commanding the warden or whoever runs this jail to bring me before the judge to determine whether I'm rightfully or wrongfully locked up. I don't see why you folks don't all have your friends get *habeas corpus* writs. Why it's a mean deal like this that the *habeas corpus* business is for."

Once more the laugh, the terrible laugh, rang through the dungeon. It made the cold shivers run down Zach's back.

"Why do they laugh that way?"

"They, too," explained his fellow prisoner, "once relied on what you call the *habeas corpus* business. But it did them no good. The King merely suspended the act; just said that in their case it didn't go."

"But I've got to get out," cried Zach ex-

citedly. "There's—there's someone I've got to protect. There is a lady—"

Again the harsh laughter resounded. "The heir to the Duke of Simmons will look out for the lady."

"He sha'n't touch her, he sha'n't look at her!" He made a dash for the gate. Guards sprang at him and overpowered him, but suddenly the terrible dungeon seemed to tremble and heave and burst apart. On the fallen walls stood trumpeters trumpeting freedom and a great voice cried:

"*The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.*"

"Do you hear that, Joe Simmons?" shouted Zach. "That's the Constitution of the United States. You may work a pull with a king but you can't with the Constitution. And if you dare so much as look at Bessie Lincoln—"

* * * * * * * * * *

"Wake up, for the love of Mike!" exclaimed Zach's father, standing beside his bed. "What

under the sun have Joe Simmons and Bessie Lincoln to do with the Constitution?"

"A lot," murmured Zach sleepily; but he didn't explain.

DREAM THE FIFTH

The Supreme Court

IF ZACH thought that the troubles he had brought on himself by giving Joe Simmons a bloody nose on the corner of Main Street and Seventh were to be limited to his dreams, he was mistaken. The Principal of the High School took the matter up, gave Zach a kindly but emphatic lecture, and referred the case to the Student Council. Someone who had seen the fight told a policeman, and the policeman, happening to meet Zach's father, told him to "tip the wink" to young Zach, that he'd hate to have to arrest him, but "disturbing the peace" was against the law. Zach's father knew exactly where Zach got his fighting blood, so the talk he had with his erring son was friendly. That didn't prevent Zach from taking advantage of past confessions of his father.

SOMEONE TOLD A POLICEMAN

"How about all those fellows you punched when you were my size?"

"I'm not arguing with you, son, I'm just—"

"Were you stuffing me about those fights you had?"

"Of course I wasn't stuffing you!" His father was indignant.

"Well, if you were a regular feller, what's the reason you want me to be a sissy?"

"I don't want you to be a sissy."

They argued the matter out, without much result. What with his father and the policeman, and the Principal and the Student Council, to say nothing of Joe Simmons, all against him, Zach began to feel oppressed.

He went to his work that night with even less enthusiasm than usual. He did not mind algebra, and he liked history, but Latin was straight punishment. As for civics, that had its ups and downs. He glanced at the lesson for the following day, and decided with a groan that this time it was all "downs";—"*The Supreme Court—its composition and functions, its powers and jurisdiction—supreme and inferior courts*"—and so forth and so on. Pages and pages. Other sections of the Constitution were interesting. He could see how they touched the average citizen, how, in fact, they touched even the existence of

one Zachary Peters, aged fifteen, of Pippin Springs. But the Supreme Court! That was something else again.

He clutched the open book almost desperately. He remembered that on several occasions, when he had seemed to be able to make nothing whatever out of the simple, uncolored phrases of the Constitution, the night had somehow brought him light, and he, who had gone to bed thinking all his studying had been in vain, had waked up with a strange, deep understanding. Perhaps, if he could only concentrate. But he could not concentrate, it seemed. He thought of Joe Simmons and of the Student Council, of Bessie Lincoln and the policeman, and his father and the Principal. He recognized a little uncomfortably that his judges might say that it wasn't this particular misdeed that was so bad, but there had been other misdeeds, dozens of them, dozens of them. He saw them pass in procession before him and quickly turned to his civics book. Even the Supreme Court, he decided, was better than remembering your sins.

"The judicial power of the United States," he read, "shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges—"

He reached for Zip, the bull pup. "Gee, Zip," he yawned. "It sure is snappy. The diction'ry and the laundry list haven't anything on the Constitution for heart interest and comedy."

He turned over the pages idly. "*No bill of attainder or ex post facto law—*"

"Aw, have a heart, Patrick Henry, have a heart," he murmured.

Zip looked up at him with such deep pity that he began to think he deserved it. He took the dog in his arms, and before Zach knew what was happening they were both asleep.

* * * * * * * * * *

The State Legislature was in session. A member rose to speak. With a start of dismay, Zach recognized him. It was Joe Simmons. Zip also recognized him and quietly made his way in his direction.

"Mr. Speaker—"

The chairman on the platform nodded. "The gentleman from Pippin Springs," he said.

"Mr. Speaker," Joe went on. "I move a bill of attainder against Zachary Peters, for high crimes and misdemeanors."

"Mr. Speaker," interrupted another member, whom Zach recognized for a friend of his on the Student Council, "I rise to a question."

"Will the gentleman from Pippin Springs," asked the Speaker, "yield to the other gentleman from Pippin Springs?"

"I yield," said Joe.

"Then, Mr. Speaker," went on the other, "what in blue blazes is a bill of attainder?"

"A bill of attainder," explained the Speaker, "is an act of the legislature by which a person may be condemned without the opportunity of defending himself which he would have in a court of law."

A long, lean man in queer old-fashioned clothes rose. "I know not what course others may take," he exclaimed, "but as for me—"

"Who's that?" asked Zach of his neighbor.

"Say, where have you been? That's Patrick Henry."

"Of course," said Zach as though it were the most natural thing in the world.

"As for me," the orator continued, "I wish to remind the members of this legislative body that a bill of attainder is unconstitutional."

"I don't care whether it's unconstitutional or not," shouted Joe. "I've got the votes!"

Everybody cheered.

"Most solemnly," proceeded Patrick Henry, "I protest—"

"Protest until you're blue in the face!" cried

JOE SIMMONS JUMPED TO HIS FEET

Joe. "Zachary Peters is a menace to the peace and happiness of Pippin Springs, and I move that it is the sense of this body that a bill of attainder—"

More cheers. Somebody called for a vote. The bill was passed. Suddenly there was a fearful commotion. Zip had arrived at his destination, which was the calf of Joe Simmons' right leg. The state legislature faded and was gone.

Zach suddenly found himself in a court room. Joe Simmons was there; so was Patrick Henry; and Patrick Henry was speaking. "Your Honor, I am here as attorney for one Zachary Peters, against whom the legislature of the State of Blank has passed a bill of attainder. I contend, your Honor, that this act on the part of the Legislature is unconstitutional. I make no reference to the said Peters' innocence or guilt of the crimes with which he is charged. But I contend—"

"The United States Circuit Court," said the Judge in a solemn voice, "declares that the act of the Legislature of the State of Blank is against the Constitution of the United States, and the bill of attainder against Zachary Peters is therefore null and void."

Joe Simmons jumped to his feet. "We shall

appeal this case to the Supreme Court, your Honor! We declare that the public safety—"

Darkness.

Another court room. Nine judges in robes. Again Joe Simmons. Again Patrick Henry.

It was the Supreme Court. It struck Zach that he had never imagined that anybody could know so much as those nine judges seemed to know. One case after another came up and received judgment, spoken by this judge or that. There was a case involving an ambassador of a foreign nation; then a case between the government and a corporation doing interstate business; then a case between a state government and citizens of another state; then a case between two state governments; then a case between a state and citizens of a foreign country; then various cases involving the Constitution. In one state a law had been passed to prevent certain organizations from holding meetings; the judges declared that it violated the first Amendment and was therefore unconstitutional. In another state, the legislature had passed a law, seizing private property for a park without payment to the owners; the court declared it unconstitutional because it violated the Fifth and the Fourteenth Amendments. "These Amendments

uphold the liberty of the people," said the court, "and they shall not be violated."

At last, Patrick Henry presented Zach's case. When he was through, Joe Simmons spoke. The judges retired.

Zach did not know how long he waited. It might have been hours, it might have been weeks. Then, once more, the judges were on the bench. One of the judges read from a paper.

"The Court is unanimous," he read, "that in passing a bill of attainder against the person of Zachary Peters, the State of Blank clearly violated the letter and the spirit of the Fifth and Sixth Amendments of the Constitution and of Article One, Section Nine, Paragraph three, which declares that no bill of attainder shall be passed. Innocent or guilty, the said Zachary Peters has the right which every accused person in the United States has under the Constitution, to be tried by a jury of his peers. The bill attainting the person of Zachary Peters is therefore declared null and void."

Patrick Henry turned to Joe Simmons. "Now who's right? You and your gang thought you were bigger than the Constitution. Nobody is bigger than the Constitution—no corporation, no union, no party, no gang. If that be treason, make the most of it!"

* * * * * * * * * *

Zach gave a wild cheer, which started Zip barking and brought his father in pajamas roaring into his room. His father told him, in appropriate terms, that the hour was past midnight.

"I've been studying the Constitution," murmured Zach dreamily. "If that be treason, make the most of it!"

DREAM THE SIXTH

Grand Jury and Trial by Jury

IT DID not help Zach Peters' peace of mind to see a squib next day in the weekly *Bugle of Pippin Springs* referring to the "young but belligerent son of our prominent fellow citizen," and so forth. He was not the only one who saw it. It seemed to him that everybody in town stopped him either to inquire how it felt to be famous, or to mourn over him. "I told you, Zachary," said countless old ladies, and "you may remember, Zachary," said numerous school-teachers, reminding him that they had prophesied long ago that he would have an awful end. The Principal said at assembly that fighting on the streets must stop and suggested to the Student Council that severe penalties were in order. Zach flushed, feeling all eyes upon him.

That afternoon he walked, like the cat in the *Just-So Stories*, "by his wild lone," always ex-

cepting Zip. Everybody was against him. Life, he decided, was full of bitterness. After supper he turned to the radio for consolation; but even that failed him. Where Chicago generally tuned in with gay jazz about this time, there was only a wail like a lost soul seeing judgment coming. Where Kansas City was supposed to be, there was only the sound of a hundred doughnuts sputtering in a pan; and when at last he managed to get San Francisco, what he heard was this: "The demoralization of our youth—*buzz-z-z*—the increase of fighting and crime among boys of fifteen and sixteen—*whee-e-e-e*—vigorous methods—." He turned the dial savagely, and went at the Constitution as the lesser of various evils.

His mind was remote from the details of government. But some phrases caught his eye: "*Provisions concerning prosecution, trial and punishment. Right to trial by jury. Excessive bail or fines and cruel punishment prohibited.*"

He gave a grunt. "I'm going to get this straight," he said to his friend Zip. "They're not going to put anything over on *me*."

By the time he went to sleep that night his head was full of a great many things which had never been near it before.

* * * * * * * * * *

"I TOLD YOU, ZACHARY"

Without knowing exactly how he got there, Zach found himself in a large, well-lighted room. At one end of it, on a raised platform behind a railing, sat a man in a black robe, who, Zach knew, must be a Judge. Near by, in a double row, sat fifteen or twenty men.

"Next case," said the Judge.

"Zachary Peters," read the clerk of the court. "Charged with high crimes and misdemeanors."

"Is the accused present?"

"Present."

"Do you plead guilty or not guilty?"

"Well, Judge, you see," said Zach, "I did a lot of things I oughtn't to have done, but I don't think they were high crimes and misdemeanors and—"

"You plead not guilty then? Witnesses!"

It seemed to Zach that everyone he had ever known had come to witness against him. There were his father and mother, first of all; then the Principal and all the school-teachers he had ever had; then the Reverend Carrington True and all the other ministers in town; then Joe Simmons and all others he had ever punched; then the Chief of Police, followed by the whole Force; then Mrs. Fox, whose cat he never could help chasing; and Mr. Burtis, whose pet turkey's leg he had broken with a bean shooter, followed by

all the good citizens whose door bells he had pulled, whose little girls he had teased, whose sissy boys he had tormented. The line reached from the Judge's desk all about the room, into the hall, and down to the street; for all he knew it reached around the block. And, saddest of all, halfway down the line he spied Bessie Lincoln.

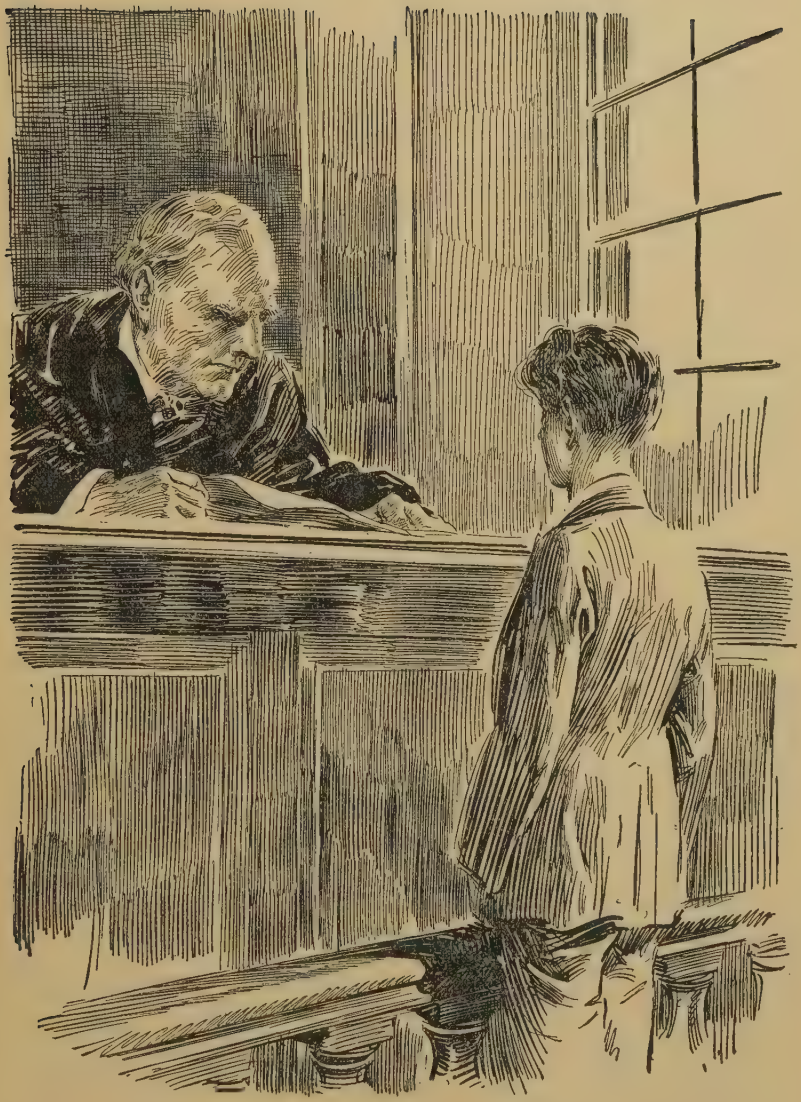
Zach felt something touch his hand. It was his friend Zip, his only friend, it seemed. He had his tail between his legs. "It looks bad, Zach," said he gloomily.

"Who's that outfit over there?" he asked his faithful companion. "More witnesses?"

"Shucks, no," exclaimed Zip, "they're the Grand Jury."

The witnesses were questioned. Zach never imagined that one living creature could commit so many crimes as he seemed to have committed. Then the Judge asked Zach whether there was anything he wanted to say. There was a great deal. It seemed to him that it took him hours to say it. When he was through, the Judge turned to the jury.

"Gentlemen of the Grand Jury," he said, "you have heard the witnesses and you must decide whether you should bring a bill of indictment against the accused, Zachary Peters. You will now retire."



ZACHARY WALKED STRAIGHT UP TO THE JUDGE

The jury filed out.

It seemed scarcely a minute before they were back. Zip began to growl threateningly.

"The Grand Jury," said the foreman, "solemnly indicts Zachary Peters for high crimes and misdemeanors."

Zach walked straight up to the Judge. "Are you going to send me to prison?" he asked.

"No, my boy," said the Judge. "This indictment doesn't mean jail. It just means that there's a pretty good case against you."

"A pretty good case!" murmured Zip, fanning himself. "I'll say there is."

The room faded, and then there was another court room and another Judge. Zach saw two lawyers picking twelve men for a jury. Then once more he heard witnesses telling of his misdeeds, and one lawyer attacking him and another lawyer defending him, and the Judge hammering his desk with a mallet. The Judge asked him whether he wanted to testify himself.

"You understand," said the Judge in a kindly voice, "that you need not testify if you do not wish. It is against the Constitution to compel anyone to be a witness against himself."

Zach decided that the least said, the soonest mended, and kept silence. The Judge spoke to

the jury explaining the legal points involved, and the jury retired.

They were back again before Zach was certain they had all gone.

"Have you reached a verdict?" said the Judge.

"We have, your Honor," said the foreman.

"State it."

"We find the defendant guilty on three hundred fifty separate counts."

The Judge nodded solemnly. "Zachary Peters, you have been found guilty of high crimes and misdemeanors on three hundred fifty separate counts. I sentence you to ten years imprisonment at hard labor, studying Latin, on every count, making a total of three thousand five hundred years—"

Zach felt himself growing dizzy. The room danced, the voice of the Judge grew faint.

"Why," he found himself thinking, "I'll be quite an old man before I get out. . . ."

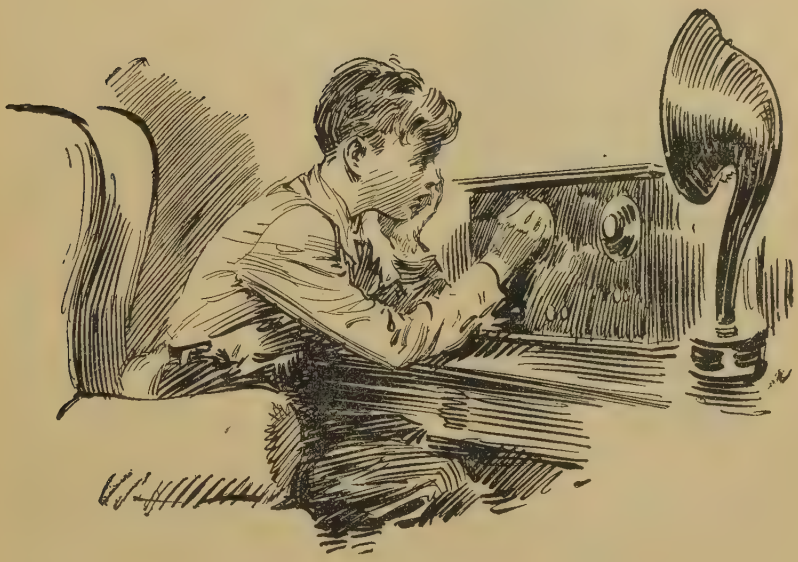
Far off he seemed to hear words which drew nearer and more distinct, like a band in a parade:

"No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury—nor be deprived of life, liberty or property without due process of law—The right of trial by jury shall

be preserved—the right of trial by jury—the right of trial by jury. . . ."

* * * * * * * * * *

Zach awoke and made a wild reach for a mosquito buzzing at his ear.



DREAM THE SEVENTH

Freedom of Speech, Assembly, and Religion

IT happened, contrary to Zach's dream, that, after all, the whole of the town did not rise up to testify to Zach's misdoings. The Student Council dismissed the case, and Zach's father found it expedient not to stir up his son to examine his parent's past too minutely. It happened, moreover, that a new excitement pushed the story of the fight into the background.

One morning a procession of a dozen touring cars stopped at the edge of town. The travelers made camp and let bystanders know that they were planning to seek houses for themselves, and to remain. They were everyday, pleasant people, rather more mild and gentle than the average; and since everybody in town had either real

estate or something else for sale which the newcomers might buy, they received a warm welcome. They were not in town twelve hours, however, before warning came from the neighboring town to "look out." The travelers were members of a queer religious sect called the Holy Seventy, went the warning; they preached that they alone had the true gospel; they got people stirred up; and altogether they were undesirable citizens.

The newcomers were discussed at every supper table that night. The Peters family were divided. Zach's mother said, "Let's wait and see"; but Zach's father said the Holy Seventy would be a bad element to have in town and ought to be forced to move on. Zach just listened.

That evening the Holy Seventy held a camp meeting. As far as anybody was able to discover afterward it was a very ordinary camp meeting, and pretty dull; but in the middle of it, a gang of boys rushed in with a whoop, and broke it up. A number of the Holy Seventy were sufficiently human to get after the boys and trounce them. That got everybody excited, especially the parents of the boys who were spanked.

Zach was in the gang; he was also one of those who received punishment. His father was indignant and talked about tar and feathers, but his mother shook her head.

"You've been talking about the Constitution, Zach," she said. "Talking about it awake and asleep. You sit down—you and your father both sit down—and read what it says about freedom of religion and people holding meetings. You're both forgetting what America's all about and who made it, and why!"

"You women don't understand these things!" exclaimed Mr. Peters. "I don't defend Zach for helping to break up that meeting, and if he got thrashed, I suppose he got what was coming to him. But we can't afford to have a lot of cranks in this town. It hurts property values and stops growth."

"John, the good Book says, 'What profiteth it a man if he gain the whole world and lose his own soul?' We must have the courage to be Americans, true Americans. We must have the courage not only to claim our rights under the Constitution, but also to see that others get their rights, too. Those people whose meeting was broken up may be cranks, but I don't remember George Washington saying that everybody shall enjoy equal rights with the exception of cranks."

Mr. Peters buried himself in his newspaper.

Zach and his mother retired to the kitchen to wash the dishes. "Zach," said Mrs. Peters, suddenly, when they were half through, "the Con-

stitution was made by courageous men for a courageous people. It takes nerve to say what you think is right, regardless of other people, and sometimes it takes nerve to permit other people to say what they think is right, when you yourself know it's dead wrong. But that's freedom. And freedom isn't a gift that tarries long in the hands of cowards, as a poet said once upon a time. We've got to let 'em talk, and know that truth is stronger than the lungs of all the cranks in creation."

Zach did not answer. He was too busy thinking. He was still thinking when he went to sleep.

* * * * * * * * * *

Zach found himself in a dingy room with some fifteen or twenty men and women, soberly clad and intent on the service which one of their number was conducting.

"Though we be ringed about with foes," the leader was saying, "yet will we serve the Lord."

A dog barked furiously outside. The little congregation turned, startled. An instant later soldiers burst into the room. Wild confusion followed. The men and women were dragged away. Zach hid in a cupboard with his faithful friend Zip in his arms. Loud and clear the words came

to him from the confusion outside: "In the name of his Majesty, James, King of England and Scotland—"

"What have they done to get jugged for?" cried Zip.

"They haven't done anything, Zip," Zach answered unhappily. "It just doesn't go to worship God except as the King says, and the Church of England says."

"Bull pups," answered Zip, "aren't supposed to worship God at all; but I call it a raw deal."

A wave of darkness seemed to pass over them. Zach was sitting at a table, listening to his mother at the other end of the table, reading from the New Testament. She closed the book and prayed. He bowed his head.

The door was flung open. Soldiers seized his mother. He threw himself upon them.

"Don't you touch my mother! Don't you dare touch my mother!"

Rough hands thrust him aside. One of the soldiers picked up the Testament. "Caught red-handed! You Puritans will worship God according to the Church of England or you'll worship Him in jail!"

"I will worship Him as my conscience dictates," said Zach's mother, "wherever I am."

ONE OF THE SOLDIERS PICKED UP THE TESTAMENT

Zach burst into wild tears as his mother was led out of the house.

Darkness—then light again. A street—a crowd of men and women shouting. Zach was running, it seemed, as fast as he could, running with three or four others, away from a mob which was pelting him with sticks and stones.

"Puritans! Puritans!"

Suddenly Zach stopped, and turned. "Cowards!" he cried. "Listen! Why do you pursue us? We do you no harm. We ask for nothing but to worship God in our own way."

"Treason! Treason!"

A dozen hands clutched him and dragged him toward the jail.

Darkness.

A gray expanse of wild ocean, and a little ship tossing upon it.

"It is a strange land, a wild land to which we are going," Zach heard someone say. "We shall be far from home, but we shall be free. In America we shall be free."

Darkness—then light. He saw a church in the wilderness and a group of Puritans praising God for freedom; a court in the wilderness, and the same Puritans driving a man out of the village

because he was a Quaker and wanted to worship God not in the way of the Puritans but in the way of the Quakers.

"Man," remarked Zip the bull pup, watching with Zach from behind a tree, "is a queer bird. He'll burst the sky open fighting for liberty to think and act as he believes is right. But when the other fellow doesn't believe as he does, he puts him in the coop."

And suddenly Zach was no longer among the Puritans, but on a green hill, overlooking his own familiar Pippin Springs. He saw something stirring where the Holy Seventy had their camp. Men and women in single file were marching somewhere. He watched the long line uncoil and straighten. He gave a start. The procession was moving toward him. Nearer and nearer it came. He began to count. He counted forty, fifty, sixty, *sixty-eight*, *sixty-nine*, SEVENTY! Steadily they came on. He wanted to run, but he could not move. They had come to kill him, he knew; and yet, he could not move.

They formed about him in a great circle. He held his breath. Then one man stepped forward with a paper in his hand. Zach was sure it was his death warrant.

"Zachary Peters!" he said.

THE PROCESSION WAS MOVING TOWARD HIM

Zach stood up.

"Are you an American?"

"Of course I'm an American!"

"Then listen to the Constitution you have dishonored: *Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble . . .*"

Zach Peters looked at him spellbound.

"Zach Peters," went on the leader solemnly, "do you think that those words are out of date because they were written over a century ago? Then listen to what that true American, Theodore Roosevelt, said about the right of free speech:

" 'The right to say wise things necessarily implies the right to say foolish things. The answer to foolish speech is wise speech and not force. The Republic is founded upon the faith that if the American people are permitted freely to hear foolish and wise speech, a majority will choose the wise. If that faith is not justified, the Republic is based on sand.' John Milton said it all in his defense of freedom of the press: 'Let truth and error grapple. Who ever knew truth to be beaten in a fair fight?' "

Zach listened with bowed head.

Slowly the ring of the Seventy seemed to

withdraw from him, farther and farther until it disappeared.

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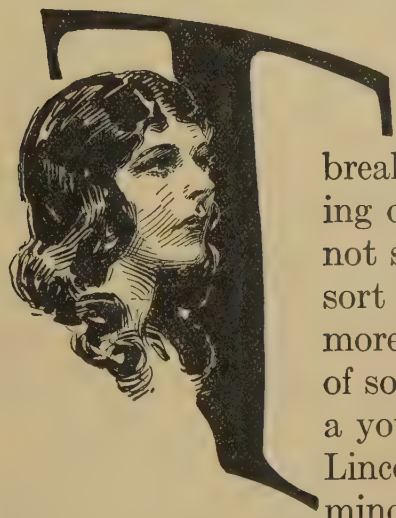
Zach awoke, with his heart beating in his throat.

DREAM THE EIGHTH

The Right of Private Property



THE part he played in breaking up the camp meeting of the Holy Seventy did not seem on the surface the sort of thing to make Zach more admirable in the eyes of so wise and well-mannered a young American as Bessie Lincoln; but young women's minds do not always work in the ways that mere man might anticipate. Perhaps Bessie Lincoln decided that Zach's case was beginning to get desperate and that he needed the softening influence of feminine companionship. At any rate, she permitted him to walk home with her from school frequently; and even went on a bicycle ride with him.

That ride proved a great event. Bessie's father was a state senator, in politics up to the eyes. He lived politics, he breathed politics, he dreamed politics; at breakfast, dinner, and sup-

per he talked politics. It was a pretty high order of politics, too, for Bessie's father was a man of principles. Bessie drank in everything she heard, and now and then contributed a word of wisdom herself. It would have been safe to lay heavy money on a bet that in a written examination on political conditions in her own state Bessie Lincoln would have been marked ninety or better.

"The reason I was sorry you broke up the Holy Seventy meeting," she said to Zach as they were bowling along at a moderate pace under the warm May sunlight, "is because it was un-American. Of course, it was against the law and against the Constitution. You know that yourself. But it was contrary to the American spirit, too. It isn't American to break up meetings just because we don't agree with the things people are saying in them. Sedition, treason—that's one thing. We'd be fools, father says, to be too gentle to people who are out to destroy the Constitution. But we have to be mighty careful not to call treason what's just wild talk. The only way really to beat the wrong talkers is with right talkers, says father, just as the only way to beat error is with truth."

"You know a lot, Bessie," he said humbly. "And I guess you're right."

"I know I'm right!" she said emphatically.

"If America means anything at all, it means fair play, and the foundation of fair play is tolerance."

She branched off into state politics.

"Oh," said Zach, airily, "I don't pay any attention to politics." He felt rather superior as he said it.

"Oh, but you should!" exclaimed Bessie Lincoln, descending upon him like a hawk on a turtle. "I should think you'd be ashamed to make such an admission."

There was so much sincerity in her words that Zach found that he did not feel quite so superior as he had.

That evening, for the first time in his life, Zach took up the paper to study, not the baseball news, but the reports of the political correspondents. He found it hard going at first; the names and the terms were strange. But it was not long before he discovered that what was going on at the state capital and at Washington was not so different from a big league game as one might think. After a week or two he began to get interested in the different personalities and the different moves. Bessie helped him to spot the men and women who were working for the state or the nation and those who were working only for themselves. Between the rich and the poor,

between capital and labor, he noticed, the crooks and the grafters were pretty evenly divided; and the number of people who were blind, even to their own real interest, was astonishing.

The Constitution took on new life as he began to watch the working out of its provisions in the political doings in the nation from day to day.

"Zip," he remarked to his bull pup, as he opened his civics book one evening a week later, "I don't know but what this old Constitution has a lot of good horse sense to it. The words of it aren't so thrilling that they'd keep you awake nights, but what the words stand for, believe *me*, has a kick like an Army mule. Now there's this thing about private property. What you've got is yours—get it, Zip? And the government can't take it away from you without what they call 'due process of law,' which means courts and judges and juries and things. And, Zip, I took Bessie Lincoln home from school today and say! . . ."

He forgot his book and went into daydreaming and came back to the Constitution with a start, and again went off into daydreaming. Bessie Lincoln became hopelessly mixed in his mind with other varieties of private property. Then the Sandman entered the comedy. Zach

"HAVE THAT SHANTY TAKEN AWAY!" HE EXCLAIMED

wrestled with him, but it was a half-hearted wrestling, and he gave in instantly when he saw Bessie Lincoln beckoning to him from the shore of dreamland.

* * * * * * * * * *

They were sitting in front of their cottage in the south of France watching Zip, their bull pup, catching flies. It was a very simple cottage, but it was theirs and they loved it.

There was a rumbling of hoofs. A company of riders gorgeously dressed drew up before them.

"It's the King!" cried Zach.

Bessie jumped to her feet and curtsied low. They might have been rabbits for all the attention the King paid to them.

"Have that shanty taken away!" he exclaimed to the man at his side. "It spoils the view."

"Your Majesty!" exclaimed Zach. "It is our home. It is all we have!"

The King raised his riding crop angrily. Bessie leaped forward. The lash fell. . . .

The Holy Roman Emperor stood on the parapet overlooking the brown waters of the Rhine. He did not look particularly Roman and he did not appear at all holy; but he was emperor—there was no denying that.

"Baron Joesimmons," he said to the nobleman at his side, "I have recently been disturbed by the notions of liberty which Count Zachpeters and the Countess Bessielincoln, his wife, have expressed. Such notions are bad for the people. Liberty is for kings. What the people need is not liberty, but discipline. You may have their castle and all their estates if you can get them. Understand?"

"By force?"

"Did you expect to do it by prayer?"

"All the estates?"

"Everything, including the vineyard. That ought to appeal to you."

"Your Majesty is most generous."

"It is the greatest pleasure in life," said the Emperor with a spacious gesture, "to be able to reward one's friends, especially with other people's belongings."

The legislature was in session, and Representative Bessie Lincoln was speaking. "There is a bill now before the Assembly which should receive the sharpest condemnation of every member who regards himself as a true and faithful American citizen. This bill calls upon the State to provide a right of way for the Pineapple and Pippin Springs Railroad without payment

THE HOLY ROMAN EMPEROR STOOD ON THE PARAPET

to the citizens whose land is taken for the purpose."

Joe Simmons jumped to his feet. "Having the railroad go through their land will be worth ten times to them what the land is worth."

"Perhaps," answered Bessie Lincoln calmly. "But that makes no difference. For the State to take land without payment is confiscation. It violates the provision of the Constitution which says that no person shall be deprived of life, liberty, or property without due process of law. Private property, says the Constitution, shall not be taken for public use without just compensation. If it is unconstitutional to take it for public use, it certainly is unconstitutional to take it for private use."

Zach Peters rose, "The bill which my distinguished fellow representative from Pippin Springs denounces," he said, "is designed to favor a rich corporation at the expense of private individuals. It should and will be condemned by every right-thinking member of this body. But it deserves condemnation no more heartily than another bill which is now before the Assembly. This bill calls for a tax on the property of the Pineapple and Pippin Springs railroad within the state which is so high that if the railroad is forced to pay it, it will go bankrupt."

There were cries of "No, no!" "Soak the railroad!" "Go on!" "Shut up!" "Let him go on!"

"Like the other bill," Zach proceeded, "this bill deprives individuals of property without due process of law. It is, therefore, unconstitutional."

"Sit down!"

"I will sit down when I am through. This bill is designed to favor the people at the expense of a rich corporation. It will not favor the people. No legislation which discriminates for or against any so-called class is, in the long run, favorable to the public interest. Government must, above all things, be just. Government which discriminates in favor of the few or in favor of the many is equally foreign to the American spirit and equally dangerous to American institutions."

There was a tumult of shouts and hisses. A dozen men and women sprang to their feet. The Speaker hammered the desk.

"I may be in a minority in this Assembly," cried Zach, "but I have the Constitution on my side."

"We are against the Constitution when it goes against the people!" shouted a voice.

"Don't be a fool," answered Zach. "The very provision which protects the railroad against you, protects you against the railroad!"

"Splendid, Zach!" shouted Bessie Lincoln.

Zach felt his head swim. The shouts of abuse turned to shouts of applause. It was a great triumph—a great triumph for the Constitution—and for Zach Peters.

* * * * * * * * * *

He made a sweeping gesture of acknowledgment. There was a crash. He woke up. His books were scattered over the floor and Zip was looking at him reproachfully.

DREAM THE NINTH

Search and Seizure

THOUGH the politics of Zach's dreams were exciting, they were scarcely less exciting than the actual politics of Pippin Springs and the state in which it lived its life and carried on its being. For Pippin Springs, for the first time in its existence, was on the political map. Bessie Lincoln's father had put it there. He was fighting for certain measures of just government which had brought him the opposition of the governor of the state and of a majority in both houses of the legislature. But Cyrus Lincoln was not the sort to let a little thing like opposition divert him from a course which he thought was right. "They say that one with God is a majority," he remarked. "Well, one with the Constitution is the same."

There were great issues at stake; and for a number of men large sums of money were

involved. These men saw that, sooner or later, Cyrus Lincoln, if he persisted, was bound to win. He had certain written evidence which, they knew, would, if it were published, send them all to state's prison. That evidence they determined to get.

They sent a cracksman into the Lincoln house in the dead of night, but Cyrus Lincoln was quicker than the cracksman, and landed that gentleman in jail.

Thereupon the crooks hit upon a different scheme. They secured a revenue inspector's badge somewhere and laid plans to search the Lincoln house ostensibly for contraband liquor. The house was to be thoroughly searched, very thoroughly. In the course of that search certain papers would disappear, and the situation would be saved once more for the law breakers.

At the very moment that they were concocting this highly practical bit of practical politics, a young man named Zach Peters, with his bull pup at his feet, was working his way through the amendments to the Constitution.

"*Third Amendment*," he read. "*No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.*"

He nodded his head judicially. "That sounds

like good sense, Zip," said he. "Mother's told me about that. Back in the Old World, if they wanted to, they'd make everybody in town give room and board to as many soldiers as could squeeze into the house. And sometimes they'd pay and sometimes they wouldn't. If you were rich, it was all right; if you were poor, you went broke. England did that with the colonists, and that's why they stuck this in the Constitution. Now what's next? *Fourth Amendment. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation*—Gee, the old Constitution sure does punish the English language—*and particularly describing the place to be searched and the persons or things to be seized.*"

He shook his head. "You wouldn't think, would you, Zip, that the old boys who wrote that were Americans like you and me? What they're trying to get out of their systems is that if they've got the goods on you, the police can get in, but if they haven't, they can't. Now why don't they say it in words a plain citizen can understand?"

He sat Zip the bull pup up in a chair. "Now,

listen. Get it. These two amendments, says the book, are the bulwarks of the home. Your home, my home. First, the government can't use it for a free boarding house or any kind of boarding house if you don't want 'em to. Second, if anybody in the government wants to get in to search, he's got to swear before a judge first that there's something there that you surely haven't any business to have, and the judge has to give him a paper with your name and house number on it, saying that you've got to open up. If he hasn't the paper, you can bang the door in his face. If he gets in anyway, you can handle him as you would any other burglar. This clause, says the book, has a long and interesting history—"

Zip, however, was not profoundly interested in that fact. He hopped down from the chair where Zach had placed him and curled up on the mat at his master's feet. Zach turned from the textbook to a history which Bessie's father had put in his way that carried him down the avenue of time a hundred—a hundred fifty years. Old London rose before him—old Boston—patriots—heroes—battlefields.

He stared with shining eyes into space and scarcely knew when his waking dreams gave way to the dreams of sleep.

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Zach was sitting at a table, brilliantly lighted with candles. Footmen were passing him food on silver dishes, and across the table, the friendliest and most interesting man he had ever met was telling him stories about Oliver Cromwell and the wars in Europe.

"You were good to warn me," said Algernon Sidney. "But I have no fear. I have committed no treason, and though to be a lover of liberty may be a fault in the king's eyes, it is no offence in the eyes of the law."

A footman entered excitedly.

"Sir, there are men below —"

"What do they want?"

There was a rush of footsteps in the hall. A dozen soldiers pushed into the dining room.

"There is your man," cried the leader. Two men seized Zach's kindly host. "Now, the rest of you search the premises. Seize all papers."

"Show me your warrant," Sidney demanded.

The man laughed.

Darkness.

A court room; a judge, in wig and robes; Sidney; tense, troubled faces round about.

"You have condemned me to death," Sid-

ney was saying quietly. "But you have proved no treason upon me. Against the law, you seized my papers. They proved that my thoughts are different from your thoughts; but nothing more. The only crime that has been committed was committed by you. A freeman's house is his own, and not even the State may violate it without showing just cause. Not I am the traitor, my lord Jeffreys, but you!"

Zach, crouching in a corner, wanted to cheer and then he wanted to cry. The room faded and darkness enveloped the court room.

Zach was in a strange, narrow street. Men and women in colonial costume were gathered in front of a house where a soldier in a red coat was standing guard.

"What's happening?" asked Zach of his neighbor.

"An outrage is happening! Revenue officers are breaking into houses all over Boston searching for smuggled goods with no more authority than a general search warrant. 'A writ of assistance' they call it. With it a man can break into any house in revenge, in spite, for any reason whatsoever, and call on the sheriff or the soldiers to help him browbeat the owner. It is abominable tyranny. King George is going too

far! I tell you, if a man is not to be safe in his own house—"

The street seemed to fade. Zach found himself suddenly in a large council chamber with hundreds of others breathlessly listening to an orator's impassioned speech. Zip was with him.

"I know that guy," exclaimed Zip.

"Who is it?"

"That's James Otis. He's making his speech against the Writs of Assistance. This is what the history books call a historical moment!"

The speaker was like a flame of fire. "Everyone with this writ," he cried, "may be a tyrant in a legal manner, for he may control, imprison, or murder anyone within the realm. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny and spread terror and desolation around him. A person with this writ may enter all houses and command all to assist him."

There were murmurs of indignation and applause.

"One of the most essential branches of English liberty," he went on, "is the freedom of one's own house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ would totally annihilate this privilege. Customhouse officers may enter

when they please; we are commanded to permit their entry. They may break locks, bars, and everything in their way; and whether they break in through malice or revenge, no man, no court can inquire. What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house may get a writ of assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society will be involved in tumult and in blood."

Wild applause greeted his words. He went on. He attacked the principle of taxation without representation; he unfolded the colonies' wrongs. Zach listened spellbound. He wanted to take arms at once against the tyrannous government that would not respect a man's own home. The huge audience swayed and roared. The roar seemed to grow until it filled the world. The room faded from Zach's eyes and suddenly he realized that the roar was the roar of battle. He saw redcoats facing men in buff and blue. He saw charges and counter-charges; marches, sieges, pitched battles, privation. He saw heroic actions, valiant deaths.

Suddenly it seemed that he himself was fighting. The redcoats were pressing him hard; he faltered; he fell back. A great figure on horse-

back rose like a huge cloud before him. "Forward, forward, forward!" came the command. He recognized him how. It was George Washington. He felt fresh courage. Once more he plunged against the foe. He felt a sharp pain, and fell. George Washington bent over him. "Good boy," he said gently, "good boy!"

The vision faded. He found himself in a windy, blue place walking up and down on a cloud in front of a great, golden gate. He had a bunch of keys in his hand which Zip, dancing at his side, snapped at playfully from time to time.

Out of the cloud under his feet appeared the face and form of Joe Simmons.

"Hullo, Zach!" he remarked. "Didn't know you had this job."

"I'm substituting for Saint Peter," said Zach, as though that were the simplest proposition in the world. "Saint thought he needed a vacation. Where are you living these days?"

"Me? Oh, I'm in the other place."

"What do you want here then?"

"I've come to search Heaven."

"What for?"

"There's a certain young lady—"

"What's her name?" asked Zach suspiciously.

"I won't tell you."

"Show me your warrant."

"I'M SUBSTITUTING FOR SAINT PETER," SAID ZACH

"I haven't any warrant."

"Then, Joe Simmons," cried Zach, "you can go plumb back where you came from!"

"I can, can I?" He whistled. Through the cloud rose a hundred, a thousand creatures, red creatures with horns. "We've come for Bessie Lincoln!" shouted Joe.

Zach picked up a trumpet and gave a blast. Instantly the walls of Heaven swarmed with winged defenders. The devils quailed. The angels swooped down on them, driving them through the clouds downward, downward—

At the door of Heaven appeared Saint Peter. "Good boy, good boy!" he exclaimed. "*The right of the people to be secure in their persons, houses, papers, and effects shall not be violated.*"

The angels took up the chorus, chanting it back and forth: "*The right of the people to be secure—in their persons—houses—against unreasonable searches and seizures—shall not be violated—shall not be violated.*"

The angels crowded in upon him. He was not used to the company of so many angels. He took a step backward. His foot went through the cloud. He felt himself falling. He clutched wildly at the floor of Heaven. It became mist in his hands. He fell, he fell, he fell—

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He woke with a bump among his books.

"Say!" he exclaimed breathlessly. "I must have—fallen—ten miles—"

A slow grin spread over his face. "I knew," he murmured, "I knew that that was where Joe was going."

* * * * * * * * * * *

The next day when Zach Peters escorted Bessie Lincoln home from school he lingered on her porch steps. There were always a great many things that he found he wanted to tell Bessie Lincoln at the last moment. As they were talking, a high-powered car stopped at the curb and three men got out. One of them stated that he was a federal-revenue officer, and asked if Mr. Lincoln were in. Bessie said that he was at the capital.

"Well," said the man, "I hear he's got liquor in the house. I've come to make a search."

Bessie was indignant. "Why, it's the silliest thing in the world! Father of all people!"

"Well, I must make the search."

For the first time Zach knew why he had been spending his evenings studying the Constitution.

"Show us your warrant!" he demanded.

"Oh, dry up!"

"You can't get in without a warrant."

"Say, kid, where did you get that stuff?"

"SHOW US YOUR WARRANT!" HE DEMANDED

"Out of the Constitution of the United States!" exclaimed Zach.

"Good for you, Zach!" cried Bessie.

The men laughed. "Say, he's some patriot, isn't he?" said one.

"We can't take time yammering with you, young man," said another.

"Well, you're not going to get in!"

"Look here now—"

"Bessie!" he cried. "Telephone the police! It's the Constitution and—"

Bessie dashed into the house.

"You young fool!" exclaimed the man who had said that he was a revenue officer. "I'll show you what the law is."

He pushed Zach aside, whereupon Zach swung round and hit him. The struggle that followed was bound to have only one ending, but Zach was quick on his feet, and before matters were settled, all three men had been in action. One of them held Zach down, while the other two made for the door.

"Smash it in!" exclaimed one of the men.

But it happened that the door was not smashed in, for from a neighbor's house a man came running, and a minute later, a police car stopped at the house. Four men in uniform then dashed up the steps. The man with the badge

offered to explain. He was told that he and his friends could do all the explaining they wished to the magistrate.

It occurred to Zach a few minutes later, when Bessie Lincoln was bathing his bruised face, that the Constitution was a great document and defending it was worth all it cost.

DREAM THE TENTH

Method of Amendment

BESSIE Lincoln's father said a few things to Zach Peters when he arrived at his house which made that young gentleman's chest swell.

"It's a great thing to know what your rights are," remarked Mr. Lincoln incidentally. "It gives you courage. You and Bessie wouldn't have dared to buck those three ruffians if down in your heart you hadn't known that back of you stood the police, and back of the police stood the Constitution."

He stood with feet apart gazing genially down at his daughter and the somewhat damaged but altogether happy Zach Peters, who were sitting on the broad davenport in Mr. Lincoln's library.

"I'm proud of you two kids," he said slowly. "I'm not sure that very many grown men would have stood up for justice against such odds the

way you did. I mean that. Men (and women too) get too much used to compromising. They want to have their rights, but they want their rights handed to them by somebody else. They don't want to fight for them. They don't realize that securing the right means resisting the wrong. And resisting doesn't mean looking unhappy when the wrong triumphs. It means resisting; with heart and soul and brain and clenched fists if necessary.

"I don't want to soft-soap you two nice young people; but there's something gorgeous about boys and girls your age when they're really fine. Of course, I'm not blind to the fuzzy-haired and the fuzzy-brained; but there's a quality in young people of fifteen, sixteen, seventeen—when they see the vision, as more do than you'd imagine—which makes me think of Galahad and Joan of Arc."

The two looked up at him with glowing eyes.

"I know you are conscious of dreams beyond the little round of opportunity which we short-sighted grown folks give you; dreams, and the power to make dreams come true. It has always seemed to me one of the greatest stupidities of a stupid world that we have never yet devised a means to utilize the unique powers which youth possesses. I should like to see young people

"I'M PROUD OF YOU TWO KIDS," HE SAID

brought into civic affairs not at twenty-one, but at sixteen; not given the vote, but given the opportunity to take some part in civic affairs, and perhaps to earn the vote, say, at eighteen. We let boys fight and die for their country at eighteen. Why not let them vote then? Voters at eighteen would, of course, make mistakes of judgment, but I can't imagine that their mistakes would be any worse than the mistakes which we grown men are making every day. They would have to go some to surpass the folly of the dignified, the learned, the experienced old gentlemen all over the world who brought on the World War."

He smiled, a little wistfully. "Well, I didn't mean to reward you two valiant defenders of the Constitution by giving you a lecture. Bessie here," he added, turning to Zach, "knows that I believe in youth more than youth believes in itself. The world is sick with a malady which is incurable except by the touch of a youth with clean hands and a pure heart. That sounds wild, doesn't it? Think it over, both of you. There is an ancient truth in it, a truth that was old when Solomon was young."

Zach Peters and Bessie Lincoln did not speak, but their cheeks were flushed.

Zach Peters turned to the Constitution that night with his whole being in a whirl. The

story of the set-to on Cyrus Lincoln's front porch had gone through the town. His mother was beaming; his father was positively strutting. The telephone rang incessantly. Zach heard with grim satisfaction that at least three of the elderly spinsters of Pippin Springs who had prophesied the gallows for him had assured Mrs. Peters that they had always known "that Zachary was a wonderful boy of whom great things could be expected."

Zach held a front-porch reception that would have done honor to a presidential candidate. All "the gang" were there and looked with envy on his bandaged head. Even the enemy appeared. Joe Simmons offered congratulations and smoked a metaphorical peace pipe with his ancient rival.

After all this, the next day's lessons seemed to Zach unreal and remote. But his father had been in the audience in Milwaukee years before when the great Teddy, with a bullet inside him and blood on his shirt front, had made the speech he had promised to make; and it had been a tradition in the Peters household ever since that you did your job whatever happened in the way either of glory or a broken head.

Zach took his friend Zip, the bull pup, in his lap and, bending over him, told him the whole story. He told it more than once. Zip, having

an understanding heart, listened with great attention.

It took a prodigious effort of the will to get his mind focused at last on the job in hand, which was the clause of the Constitution relating to amendments. It struck him that the drop from high adventure to amendments was pretty sharp. He turned to Article V.

"*The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case—*"

Zach stopped, blowing like a swimmer who had been under water a long time. "It's awful, Zip," he said. "Just listen and say if you think it's playing the game to hand out a line of talk like this: '*Which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths thereof*'—pipe '*thereof,*' Zip—'*as one or the other mode of ratification may be proposed by the Congress.*'

"This really isn't the English language, Zip, at all. This is algebra. Let X equal the amendment, the X × ⅔ equals the first lap and X × ⅔ × ¾ equals getting away with it."

He held his head. "It's a great life if you don't weaken. *The Congress whenever two-thirds* —Bessie's father, Zip, he thinks boys and girls ought to have the vote at sixteen or eighteen. What do you know about that? He's great anyway, Zip. He doesn't think it's foolishness if you want to do big things. The way he talked he made me think I could do pretty near anything."

He sat gazing dreamily across his desk at the bare wall. Pictures rose before him—hopes, aspirations, thrilling prospects. He clutched his book desperately and bored his eyes into it. "*The Congress—shall propose amendments to the Constitution, or, on the application—of the legislatures of two-thirds—of the several states—*"

Human nature could not, with the best intentions, drive dreams away with any words like that. He gave up and went to bed. The dreams possessed the field.

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Zach found himself sitting on a platform beside Bessie Lincoln. There was a great crowd in the hall, all boys and girls. Bessie rose and went forward.

"As chairman of this mass meeting of boys and girls," she said, "I take pleasure in introducing a leader among the boys and girls of America,

the fearless fighter for the Constitution, Zachary Peters of Pippin Springs!"

There was wild applause, and cries of "He's all right!"

"Who's all right?"

"Zach Peters!"

Zach held up his hand modestly to quiet the tumult. Then he spoke. The time had come, he declared, for the youth of the country to make themselves felt in the affairs of the town, the state, and the nation. "We cast no reflections on our elders," he cried, "when we believe that youth has something to give America which our elders cannot give. They are more experienced than we; in the world's sense they are more practical. They smile at what they call the idealism of youth. But, girls and boys, I believe that, now and then, what our elders call practical is in the long run not practical at all; and that what our elders call idealistic has more practical wisdom in it than all the makeshifts which they call practical, put together. Age is timid, youth is courageous. And, friends, the world needs courage! Not only the courage to die on the battlefield, but the courage to follow great dreams and to endure laughter and scorn and persecution for the sake of the vision afar off!"

The huge audience listened to him in deep

silence. Zach found himself marveling at his own eloquence.

"Go on, Zach!" cried Bessie. "Go on!"

He went on. He said that he had become convinced that girls and boys should be given the vote not at twenty-one, but at eighteen. He had found that to make this possible either a law must be passed in every state, or an amendment to the Constitution must be adopted. He favored an amendment, he said. The crowd listened spellbound.

"Isn't he great?" whispered Zip the bull pup to Bessie Lincoln.

"I think he's wonderful!" exclaimed Bessie.

Zach heard her say it. The room began to do queer things, turning round and round. The crowd faded from sight.

Zach found himself under the dome of the Capitol at Washington, talking to Thomas Jefferson.

"I approve your bill, Zachary," said the great democrat, "and will introduce it myself in the House. Mr. Madison will no doubt introduce it in the Senate. I am already assured of the approval of Andrew Jackson, Benjamin Franklin, Ulysses S. Grant, Theodore Roosevelt, and—"

A shadow passed over Jefferson's face and he was gone.

Zach was in the gallery of the House with Bessie Lincoln. The members were voting on the amendment.

Suddenly Bessie gripped his arm. "Zach," she exclaimed, "we've got half!"

Zach did not turn. "We need two-thirds."

They counted the votes as they came. One "yea," two "nays"; then four "yeas" in succession. Suddenly there was a cheer.

"Zach, Zach!" exclaimed Bessie. "We've won!"

From the corridor came the tall figure of Thomas Jefferson. "My dear young friends," he said, "I want to be the first one to tell you that the Senate has voted in favor of your amendment."

"Oh, Mr. Jefferson!" exclaimed Bessie. "So has the House."

"The first part of your battle is concluded," said Mr. Jefferson.

"Now for the ratification!" exclaimed Zach.

The great room seemed to contract. Zach found himself with Bessie in their own state As-

sembly Chamber. Bessie's father was speaking eloquently in favor of ratification. He ceased. Someone called for a vote.

Five minutes later Zach and Bessie were in the center of a whirling crowd of boys and girls. "The first state has ratified, the first state has ratified!"

The voices died away. Zach was in the President's office in the White House, with Bessie Lincoln at his side. The President looked very familiar. He thought it was Bessie's father, then he looked again, he saw that it was another Lincoln.

"My friends," he said, "I have asked you to come here because I wanted to tell you myself that a few minutes ago I received word that the thirty-sixth state had ratified the amendment for which you have worked so cleanly and so effectively. Here is the proclamation—read it, friends—declaring that this amendment is now a part of the Constitution of the United States, as sacred as every other part. You have done a great work, but it is only the beginning. Getting the vote is not the important thing, but what you do with the vote when you get it. Zachary Peters—Zachary Peters—"

Zach looked up. As he gazed, the face of

THE PRESIDENT LOOKED VERY FAMILIAR

Abraham Lincoln seemed to change. Suddenly it wasn't Abraham Lincoln's face at all, but the grave, kindly face of the Reverend Carrington True.

"Zachary Peters," that gentleman was saying, "do you take this woman, Elizabeth Lincoln, to be your wedded wife—"

"*You bet your life!*" shouted Zach—

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The President, the White House, Bessie, and all vanished. Zach woke with a rush.

It was high time, no question.

CONCLUSION

Zach Peters had been so very sound asleep that by the time he had succeeded in disentangling himself from his astonishing dream he was too wide awake to think of going to sleep again. He went to the window. A long, gold band lay over the eastern horizon; a cool breeze stirred the branches of the maples; a bird, and then another, chirped sleepily somewhere out of sight.

He dressed and went out into the fresh, clear air, with Zip, his faithful companion, at his side. The streets of the town were deserted. There was something strange, something magical about the solitude. He wondered how he would feel if all the inhabitants were suddenly wiped out and he should be left alone, alone with Pippin Springs? The silence was absolute, except for an occasional bird song. Even Zip seemed to be impressed by it, for he did not break it with a single yap.

Zach made his way to a hill outside the town where he liked to go when he had things on his mind. The hill was not very high, but it gave him a sense of being a little above the world where he could observe it for a moment without fear of being run over by it.

The earth was all shimmering rose and gold as he stood on the green summit facing the east. The memory of his great adventure on Bessie Lincoln's front porch started the blood leaping in his veins. Fragments of strange, wonderful dreams swept through his mind. He saw kings and kings; he saw battles; he saw the uprising of peoples; he saw dungeons, and he saw dungeons destroyed; he saw chains, and he saw chains broken; he saw assemblies and courts, and men and women laboring unseen, unregarded, upholding the law and turning the vast wheels of government.

"I know now," he said slowly to himself or to the rising sun, "I know now why people talk about the Constitution as though it were something different from everyday, ordinary things. It's a human thing, of course, drawn up by human beings, and I guess there was politics here and there in the making of it as there's bound to be in anything when a bunch of people, each thinking he's a hundred per cent right, get together trying to do anything. And there are compromises here and there, and things that'll be made better, as everybody knows more. But there's something grand about it. There's something grand, not quite like other earthly things, about it. It's, as you'd say, the high-water mark of the

flood of human liberty that's been rising, rising, rising these three thousand years. There's not a clause, I guess, that men haven't fought for and given their blood and breath and lives for. That's what makes people, as you'd say, stand bareheaded before it. They're saluting the heroes that have died through the centuries so that we could be free; the runners that ran and fell, but carried the torch forward a few feet, a few yards, before they died."

His voice was hushed and reverent. Slowly he pulled off his cap. The dog jumped playfully at it as it hung at his side.

"The fight isn't over. The last word isn't written. The last race isn't run. There are men in bondage still. Zip, if I—if I—could carry the torch!"

MEMORIES OF SCHOOL DAYS

My Teachers

MEMORIES OF SCHOOL DAYS

My Classmates

MEMORIES OF SCHOOL DAYS

My Classmates

MEMORIES OF SCHOOL DAYS

My Classmates

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